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ABSTRACT

The Adult Basic Education (ABE) program conducted by the Trust Territory of the Pacific Islands was evaluated. Data were collected via staff interviews and record reviews during site visits at ABE facilities located in five of six district comprising the Trust Territory. Focus of the evaluation activities was on program administration, instructional performance, achievement of the program plan objectives, and meeting the requirements of the Adult Education Act. The findings indicated that the instructional programs in the five districts are being conducted within the provisions of the Adult Education Act. Although the programs were effectively performing their activities, local conditions and the quality of leadership affected the accomplishments of each program. There was an implied need for an increased level of standardization in basic program administration, organization, and materials. Ten program strengths were identified, including the following: (1) instructional programs in elementary and secondary basic skills are being offered; (2) personnel have a genuine commitment to the program; (3) there is accountability for program administration; and (4) program effectiveness has increased and continues to improve. Two of six program weaknesses are that personnel at all levels need more opportunities to expand their skills, and materials in the classrooms are in many instances inadequate. (This report concludes with seven recommendations. The Adult Education Act and proposed regulations from the Federal Register are appended.) (EM)

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EVALUATION REPORT

FISCAL YEAR 1979

TRUST TERRITORY OF THE PACIFIC ISLANDS

ADULT BASIC EDUCATION PROGRAM

BEST COPY AVAILABLE

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Submitted in accordance with the requirements of the Trust Territory of the Pacific Islands by
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July, 1979

July, 1979

Mr. Felix Rabauliman
Coordinator of Adult Education
Department of Education
Trust Territory of the Pacific Islands
Saipan, Mariana Islands 96950

Dear Mr. Rabauliman:

Attached to this letter is my final report on the Fiscal Year 1979 Adult Basic Education (ABE) Program of the Trust Territory of the Pacific Islands. This evaluation has been prepared in partial fulfillment of the requirements of a contract for services to the Trust Territory #B-910159. It contains a review of the ABE program, an assessment of how well the program met its stated objectives, and a set of recommendations for improvement in the coming years.

I am most appreciative of the unlimited cooperation I received from you and other staff of the ABE program during my visit. In particular the fact that you took the time to accompany me to each of the program sites was invaluable in obtaining the data and information needed for this report. I found a genuine desire on the part of everyone to improve the effectiveness of the ABE program as it serves Micronesians throughout the Trust Territory.

Thanks again for your hospitality and assistance. If any portions of this report need clarification or expansion, I will be most willing to respond.

Sincerely,

Donald A. McCune

Donald A. McCune
Consultant

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INTRODUCTION

This evaluation report has been prepared to enable the Trust Territory to substantially meet the Federal requirements for the annual evaluation of their ABE program funded under a grant provided by PL 91-230, as amended. In addition, it was agreed that the report would also include recommendations which could be considered by the Coordinator of Adult Education and the administration of the Trust Territory Department of Education for the future improvement in the status and effectiveness of their ABE Program.

The preparation of this report was accomplished through a contract between the Trust Territory of the Pacific Islands and Dr. Donald A. McCune, 4709 Olive Oak Way, Carmichael, California 95608. Designated as "Consultant" in the report Dr. McCune visited Saipan, MI, and the islands of Palau, Yap, Truk, Ponape, and Majuro between the dates of April 23 and May 5, 1979. The information gathered during these on-site program reviews together with data provided by the Coordinator of Adult Education have been the basis for the descriptions and evaluation of the ABE program which follows.

SECTION #1

EVALUATION METHODOLOGY AND PROCEDURES

EVALUATION METHODOLOGY AND PROCEDURES

The Consultant was given as his basic responsibility the evaluation of the Adult Basic Education (ABE) program as it was conducted by the Trust Territory of the Pacific Islands. The accomplishments of the Trust Territory were considered with regard to the Annual Program Plan for Fiscal Year 1979 approved by the U.S. Office of Education as the basis for a grant for these purposes. This Plan included a description of the specific objectives and activities which were set forth to guide the implementation of the ABE program throughout the six districts of the Trust Territory.

A second requirement for the Consultant was the preparation of recommendations for improving the ABE program. These recommendations were to be based upon the findings and specific data obtained during the on-site activities of the Consultant as he conducted the program review and evaluation.

It is proposed that the following report will meet all Trust Territory requirements for the scope of work and specific products as described in contract #B 910159. This will enable the Trust Territory to submit this document to the U. S. Office of Education in order to satisfy their requirements for an annual evaluation of the ABE program.

Methodology

The fundamental plan for this evaluation report has been keyed to a comparison of the current status of the ABE program and its accomplishments to the intent and purposes of the Adult Education Act and the Annual Program Plan designed for its implementation during fiscal year 1979. All interviews and data gathering activities were directed toward developing information upon which this analysis could be made.

The constructive recommendations which were formulated a a result of the evaluative analysis have been included as a separate section of this report. Such recommendations must be considered as being the subjective opinions of the Consultant and should not be confused as being part of the evaluation process which focuses upon the success or failure of the ABE program to meet its objectives.

The following procedures were used to develop the necessary information leading to this report.

- Review of the Adult Education Act, PL 91-230, as amended.
- Review of the Trust Territory Annual Program Plan for Fiscal Year 1979.
- Interviews with the Trust Territory DOE Administration, the Coordinator of Adult Education, ABE Specialists, Adult Education teachers, and other personnel involved in the ABE program.

- Review of general file documents.
- On-site visits to ABE facilities presently or potentially available to the program.
- Inspection of instructional materials available for classroom use.
- Observation of classroom instruction.

Conducting the Evaluation

The Consultant conducted evaluation activities at various sites in the Trust Territory between the dates of April 23 and May 5, 1979. No visits could be scheduled for Ebeye and Kosrae because of transportation problems. The ABE Specialist was interviewed in each location with subsequent interviews with assistants, teachers, or support personnel as the specific occasion provided. In each instance the office records were inspected and the routines for gathering data about the local programs were identified. The Consultant used the 1978 evaluation report as a guide for the structure of the interviews. Other data were gathered which could be used to document program descriptions and accomplishments. This composite of information was used to support an analysis of the ABE program in the following areas:

- Program Administration
- Instructional Performance

- Achievement of Annual Program Plan Objectives

- Meeting the general intent and requirements of the Adult Education Act.

Scope of the Study

This report is limited to an assessment and evaluation of the ABE program as conducted throughout the Trust Territory. As has been stated above this is a federally financed program operating within the provisions of the Adult Education Act, PL 91-230, as amended. The purpose of this program is best understood by reviewing selected portions of the Act itself.

> "---adult basic education means adult education for those adults whose inability to speak, read, or write the English language constitutes a substantial impairment of the ability to get or hold a job.
>
> "Such education should be designed to eliminate these disabilities in order that the adults in question can be less dependent on others, can benefit more from occupational training, can increase their employment opportunities, and can assist them in meeting their adult responsibilities."

Limitations of the Evaluation

Several factors must be considered regarding the gathering of the basic information upon which the evaluations and recommendations have been developed. First, a limited number of classes and teachers

were available for observation and interviews in most of the program sites. With the sample being small and limited it is not appropriate to assume that the conditions encountered are necessarily reflective of all teaching situations. Secondly, several areas were simply unavailable for visits and the Consultant was dependent upon secondary information and data provided in most instances by the ABE Specialists. Finally, the differences among the sites themselves were a challenge which tended to confuse a specific plan for the gathering of common data.

In summary, most of the information gathered and reported in this document is dependent on the accuracy of the data reviewed and the perceptions and responsiveness of the various individuals interviewed. The Consultant can accept responsibility only for reporting and analyzing the information obtained from these sources.

SECTION #2

DESCRIPTION OF THE CURRENT STATUS OF

ABE PROGRAMS IN THE TRUST TERRITORY

DESCRIPTIONS OF THE CURRENT STATUS OF ABE PROGRAMS IN THE TRUST TERRITORY

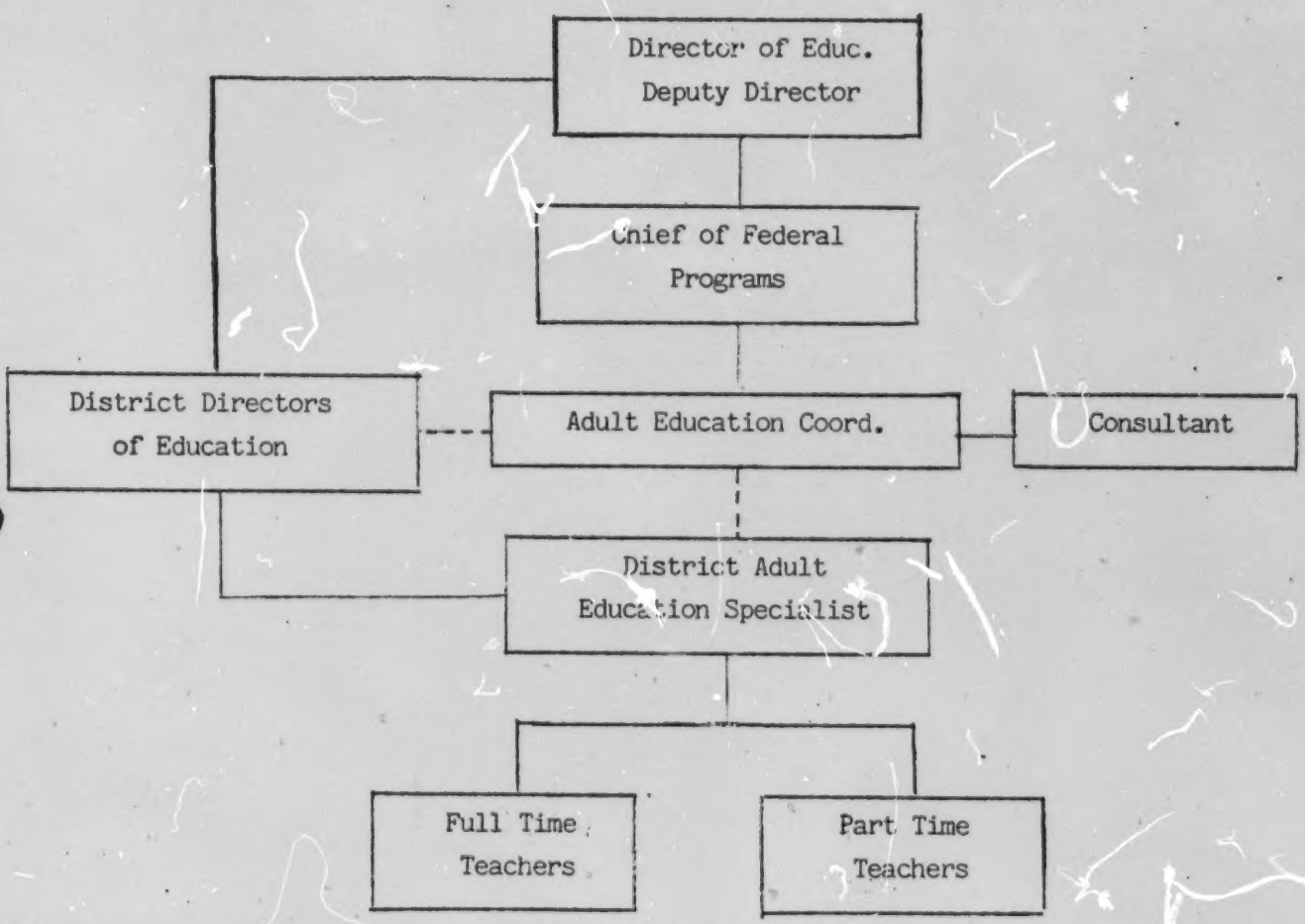
The ABE program in the Trust Territory is currently operating in six of the seven Districts which constitute Micronesia. These include the districts of:

- Yap
- Palau
- Truk
- Ponape
- Kosrae
- Marshall Islands

Prior to the 1979 fiscal year the Mariana Islands District ABE program was also administered by the Trust Territory. With the establishment of the Commonwealth of the Northern Marianas this responsibility was transferred to the Department of Education for the Government of the Northern Mariana Islands. For the present, the administration of the Trust Territory ABE program continues to operate from headquarters on Saipan. There appears to have been no disruption to the program and few if any adjustments were required because of the withdrawal of the Mariana Islands District.

The administrative organization has remained reasonably stable over the past few years throughout the Trust Territory. Mr. David Ramarui, Director, Bureau of Education has established the following organization chart to provide for the administration

and operation of the ABE program.



The Adult Education Coordinator, Mr. Felix Rabauliman, provides administrative and supervisory services to the Adult Education Specialists by working through the District Directors of Education.

In practice, he will contact the AE personnel directly for most purposes. He does not have line authority however, and functions primarily in a staff support role. The coordinator is responsible for the preparation and implementation of the Annual Program Plan for Adult Education. He has assigned authority for the administration of the Plan and has available to him the support services of the Department of Education which include budgetary and purchasing functions.

The District Adult Education Specialists are the direct line supervisors of the program and the teaching staffs in each District. They are responsible for the daily operation of the programs at the local level and are accountable to the District Director of Education. As part of their duties they are to gather, maintain, and report data and information concerning student enrollments and attendance, curriculum activities, budgetary matters, and other such areas that may be required by the Coordinator with respect to the ABE program.

Although each of the Districts operate their own program and are working on an assigned budget determined by the Department of Education (DOE), they are not considered to be sub-grantees. All of the funds available under the provisions of the Act are used under the direct supervision of the DOE for the Territory.

A new consultant has been hired to serve as the Assistant to the Adult Education Coordinator. Mrs. Dorothy Dale reported

for her first day of service during the on-site visit by the Evaluation Consultant. Subsequent interviews with both the ABE Coordinator and Mrs. Dale revealed that the position had been created as a result of prior year recommendations and her duties were to generally include those activities suggested in the 1978 Evaluation Report. These will include:

- o Gathering and disseminating information and materials.
- o Monitoring data and information gathering systems.
- o Preparing data for analysis by the ABE Coordinator.
- o Coordinating necessary and required communications between the Coordinator and the District AE Specialists.

Administrative Review

The Administration of the ABE program occurs at two levels. The first is that which is assigned to the Headquarters Office of the DOE. The second is found in the Education Departments of the six Districts as the responsibility of the AE Specialist. This portion of the report will address the former with comments regarding local District administration reported in the review of the program of each District which follows in a later portion of this section.

Felix Rabauliman is the designated full time Adult Education

Coordinator for the DOE. He has been in this position for many years and his continuing leadership is a stabilizing factor in the administration of the program. Based upon observations and discussions with the DOE Administration it is apparent that he has wide latitude to make policy decisions about the ABE program. This is especially true in the areas of curriculum, staff development, special projects, and materials of instruction. His limitations will generally be in the amount of dollars available for program development, the transportation and communications problems, inexperienced or untrained staff personnel at the District level, and at times political accommodations related to the lines of authority established throughout the Territory.

During the course of the visit to Saipan, the Consultant noted an atmosphere of a need to establish independence between the administration of the Government of the Trust Territory and the new Government of the Northern Mariana Islands. This desire to clearly establish the separate lines of authority and administration is natural and understandable considering the historical and political activities which preceeded the realignment of these two entities. It does seem desireable however, for continued interaction between the two ABE programs in certain specific areas such as staff development and curriculum development. Certain materials of instruction could also be jointly developed or reviewed for use in Micronesia in-as-much as

they have similar student needs. The AE Coordinator is to be commended for his willingness to assist the AE Specialist for the DOE/GNMI in the past year of transition.

The Headquarters' office for Adult Education is well established and the expected functions appeared to be adequately conducted. Central office records were readily available and the DOE support systems for budget planning and control and purchasing are evident in operation of the program. The addition of the new assistant should prove to be very helpful in the process of following up on collecting and managing data from local programs.

The majority of the coordinator's time is spent on administration and policy development. Supervision of the Special Demonstration and Teacher Training grant program (Section 310 - formerly 309) is probably the second largest demand on staff time. There are no Trust Territory adult programs on Saipan. Direct supervision is thus hampered by the Coordinator's limited funds for travel among the Districts. The time spent with the evaluation Consultant in the Districts was in some instances the first visit of the Coordinator for this fiscal year.

Another significant portion of the Coordinator's time is that which is allocated to expanding his own knowledge and experience in adult education. Various developmental activities have added to his effectiveness in management and program development. These

activities have included:

- participation in Region IX Staff Development Advisory Committee Meetings
- attendance at USOE meetings for State Directors of Adult Education
- participation in staff development activities conducted by Far West Laboratory under provisions of a 309 (310) grant
- participation in workshops conducted by In-Math Education Consultants (309)
- review of materials and documents received from other states and commercial sources.

The Consultant found Mr. Rabauliman particularly well informed about recent legislative developments at the federal level as well as the significant programatic developments which are being advanced by the more sophisticated state and local programs. This was considered to be a major strength in the Trust Territory administration in view of the relative isolation of the Coordinator. His continued participation in off-island training and leadership development is important even though the effort, time, and expense are formidable obstacles.

The physical distance from Headquarters to the six Districts operating adult education programs presents a number of planning problems. No evidence was found that any formal planning or advisory committee exists at the present time. Although this is a

concern of the DOE Administration as well as the Adult Education Coordinator. It would appear that the only reasonable approach to this challenge is to establish this input at the District level with a feed-back mechanism for transmitting information to Headquarters for inclusion in the preparation of the Annual Program Plan and other considerations of the Coordinator.

Perhaps the greatest need is for an improved system for getting specific performance data about students being served and the instructional programs being offered in each of the Districts. The Consultant was unable to identify an established system for the reporting of student enrollment and attendance. Some quarterly reports were available but their consistency varied considerably and the items of information reported were in many cases inappropriate for compilation into a summary report.

In spite of the problems described above it was obvious from the interviews conducted by the Consultant prior to and during the on-site visitations that the Coordinator is in close touch with the educational needs of adults throughout the various Districts. His informal systems of communication together with his knowledge of the basic purposes of the Adult Education Act have enabled him to function very effectively in a most unusual administrative structure. It is clear to the Consultant that at this point in time the centralization of the adult education administration

in the DOE Headquarters is essential to the overall success of the current program.

District Programs

The following will describe the various aspects of adult education programs in each of the six Districts. With the exception of the Kosrae District an on-site visit was performed jointly by the Consultant and the Coordinator. The data and interview information has been selectively screened to include only the most relevant findings in this portion of the report. Descriptions have been kept brief to assist in the summarization and preparation of recommendations which have specific focus.

The Palau District: Mr. Victor Joseph continues to have the responsibility of administering the adult education program. As the ABE Specialist he reports to the Vocational Education Supervisor. This arrangement is scheduled to change by the beginning of the fiscal year with the Specialist reporting directly to the Director of Education. Mr. Joseph has already been assigned additional duties for the aging program and will rely heavily on Paul Raklai, his full time assistant, for carrying out some of the administrative load and supervision of teachers.

Little has changed from the prior year in the number of teachers, the types of classes offered, the type of support

services available, and the instructional materials being used. To a large extent these factors appear to be controlled by the money available. The Specialist and his assistant spend most of their time in basic administrative functions which include program planning, staffing, teacher supervision, negotiating new classes and sites, working with materials, and responding to requests from Headquarters for information and data.

The Learning Center is no longer used for classes. All instruction is conducted in homes and community facilities. The Learning Center is a depository for instructional materials and a limited amount of equipment. Classrooms are available and in use in both the High School and Elementary schools.

Records are maintained in the administrative office. Forms and procedures for reporting student enrollments and attendance were located by very little up-to-date information was available. Programs are reported on three outlying islands. These sites are usually visited only once each year. It was estimated that about 300 persons had been enrolled up to the time of the interview.

The current "309 Project" is the most important factor in the Palau staff development effort. Selected representatives are sent to the workshops and are expected to assist other teachers on an individual basis when they return. All adult teachers usually get together only once a year in connection with staff

meetings held prior to opening of the regular elementary and high schools. Most opportunity for staff development comes in the individual contacts made with the ABE support staff.

There appeared to be a reasonably effective recruitment effort being conducted on a regular basis. In addition to the activities of the Specialist and his assistant in meeting with community leaders and using the media that does exist, the teachers themselves are very active in spreading the word about their classes. Palau had no formal advisory system to assist with planning and direction. The informal system however appears to work very well. This is probably due to the compact nature of the islands, the involvement of the various ABE personnel in the activities of the District and village governmental systems, and the familial relationships which are extensive throughout the district and form effective channels of communication and influence on individuals.

A variety of instructional materials were encountered during the visit. Most of them are commercially produced and are traditional in nature. Simple work sheets were used in the classroom which was observed. Instructional approaches and the selection of materials is determined by the individual teacher. The consultant saw no attempt to coordinate these factors from a central point.

In summary, the Palau ABE program is functioning within the

parameters of the Annual Program Plan. Although specific performance data were not available it was clearly evident that there is good organization in the program and classes are being conducted. The personnel interviewed has an excellent grasp of the purposes of the program and demonstrated high levels of commitment to having the best program possible.

The Yap District: The ABE program in the Yap District is quite limited in size. Mr. John Iou is the ABE Specialist. For the present he reports directly to the Director of Education. He would report to the Curriculum Supervisor in the usual organizational chart but this position has been vacant for some time. Mr. Iou has an assistant who is employed full time. James Yatman also teaches classes in addition to his duties in the office. As far as could be determined, the ABE Specialist and his assistant continue to divide their time between the usual administrative functions and the teaching of classes. Information about the program was extremely limited. The office files were sparse with no apparent organization or system in place.

The Consultant was particularly impressed with the utilization of other agencies or organizations and volunteer assistance to provide basic education. This may or may not be the result of a conscious effort on the part of the Specialist but it is obvious that a significant number of classes in the basic subjects are

being held throughout the District which are coordinated by the Specialist but are not a part of the regular DOE program. Peace Corps personnel are conducting classes which are well attended and professionally taught. They utilize materials which they normally use during their classes for children during the day.

A number of the villages are reported to be conducting classes taught by volunteers. An interview with one of these volunteers revealed that she was an experienced teacher currently serving as a reading specialist with the school system. These local programs are augmented by several programs under supervision by the Catholic Church and a prison program. None of the attendance generated in these programs is reported through the ABE program as far as could be determined.

It was reported that an advisory group had been established for the program. Their specific charge is to assist in identifying the need for classes and locate sites where they could be conducted. No classes were being conducted on the outlying islands at the time of the visit.

There did not appear to be any local provisions for teacher training. Any staff development was accomplished by participation in the 309 projects conducted by In-Math Educational Consultants and the Far West Regional Laboratory.

As has been noted in prior evaluation reports there was very little program activity visible to the Consultant from the on-site

observations or office records. As has been mentioned, the strongest instructional programs are being offered by those who are not directly under the supervision of the Federal or Territory program.

The Truk District: The program in Truk is the responsibility of Mr. Net Sangau, the ABE Specialist. He is now assigned full time to the program which was reported as a change from the prior year. The other full time personnel include Mr. Eruo Airam who serves as an assistant to the Specialist (20%) and teaches various classes (80%) and Miss Jeanette Mori who is a clerk in the office. The Specialist reports to the Director of Education and seems to have full authority over the administration of the adult program. There are 12 part-time teachers working in a variety of facilities throughout the District. Generally, they are holding classes in school buildings, community meeting halls and the District Learning Center.

In general, there was evidence supporting the fact that the program is well organized and operating successfully. The record-keeping system is fairly well established although the enrollment and attendance reports are received from the teachers erratically and it was difficult to arrive at accurate descriptive data.

In previous years the program had $5,000.00 from the local government to assist in carrying out the basic objectives. This has been withdrawn this year because of limited funds. There has been support from the Governor in the form of transportation

for the Specialist or his assistant to the outer islands by offering them the opportunity to be his representative and use the field trip boat at his expense.

During the summer all Elementary and Secondary teachers are brought to the District Center. The Specialist has an opportunity to meet briefly with those who also teach adult classes. Representatives of the staff have also participated in the 309 projects mentioned in other parts of this report. Some demonstration teaching is scheduled and teacher counselling by the Specialist is reported to take place.

Classroom materials are similar to those found in other ABE programs in the Territory.. The majority of items seen by the Consultant were commercial materials with the beginning levels utilizing more teacher-prepared worksheets and practice exercises. Several teachers expressed a desire for assistance in developing instructional materials and for information about what other teachers are using in their classes. The more advanced students and the G.E.D. classes were taught in a very traditional textbook approach using commercial publications almost exclusively. Nothing appeared to be available in Trukese.

Advisory imput has been sought by the Specialist in the past year. Difficulty was encountered in being able to support the numbers of the advisory council with reimbursement for travel and

expenses. This limitation of funds has prevented the establishment of a comprehensive panel of advisors but it did appear to have been a commendable step in the right direction.

The Ponape District: Some reorganization of the administrative staff has occurred since the last evaluation. Elsner Saimon has continued as the ABE Specialist on Ponape. She now reports directly to the Director of Education. She has no assistant but a full time teacher, Sohse Jose, helps her with some of the administrative concerns during his unassigned hours.

There are eight part-time teachers in the program this year. Seven are full time elementary teachers who work in the evening. One of the teachers is a Peace Corps volunteer who is not paid for her service to the ABE program.

During the interview with the Specialist it was evident that most of her time is spent in program development, recruitment, and routine administrative functions. She was well informed about the program and had one of the better office systems for gathering and storing student data. This was the first program in which some course outlines were available for inspection. This appeared to have taken considerable effort on the part of the Specialist as well as the participating teachers and reflects their commitment to trying to improve the instructional program.

No classes were in session during our visit. This was due to

the fact that two holidays were declared in honor of the installation of Ponape's first governor. The Consultant did visit several of the sites where classes are conducted. G.E.D. classes are held in the Community College facilities. Other ABE sections are conducted in various elementary schools, community houses in some villages, and occasionally in private homes.

The Specialist reported that the program itself has not experienced much change from last year. She did indicate that they had a formal waiting list which included 315 names. Again, the limitation of funds has prevented the establishment of additional classes.

No advisory council or other formal mechanism for community imput exists. Needs assessment is accomplished by the Specialist or teachers themselves as they conduct village meetings, meet with the various chiefs, speak at PTA meetings, or work directly with elementary school principals.

Classroom teachers received no in-service training other than that provided by the 309 projects. The Specialist seemed to be unusually sensitive to the need for staff development. With all but one of her teachers being full time employees during the day, with the adult education classes being an extra responsibility, she sees little opportunity for in-service training. Brief personal contacts and teacher counselling appear to be the most viable method at the present for her to upgrade the program.

The lack of classes prevented the Consultant from being able to interview teachers or observe the types of material being used. Conversations with the Specialist supported the understanding that Ponape is much like the other programs in that they use a combination of commercial and teacher prepared materials. Mrs. Saimon expressed a desire to have materials which could be used in areas of instruction leading to competencies in health and consumer education.

The Kosrae District: The Consultant was unable to arrange for transportation to the Kosrae District ABE Program. A brief interview was held with a representative of the program during the Region IX Institute held in San Diego, California. The program is reported to be very small. The instructional program and materials described were similar to other District programs. Help in establishing the program was received from Ponape as well as from DOE Headquarters in Saipan. The ABE Coordinator has not visited this District although he has had radio-phone contact with the ABE Specialist.

Further comments about this program are not warranted on the basis of the information available. The Consultant felt confident that there is an operational program being conducted but has no basis upon which to make suggestions and comments.

The Marshall Islands District: Program review activities were

limited to the Majuro Atoll. Documents and interviews indicated instructional programs are being conducted in Ebeye, Arno, Alinglapalays, and Jaluit in addition to Majuro.

Marie Madison was the ABE Specialist during the on-site visit. She has since been assigned other duties. It is the Consultant's understanding that Andrew Bilimon has assumed this role. The ABE Specialist reports directly to the Director of Education for the Marshall Islands. She reports having an active working relationship with the Director and has received unusually strong support. Many facets of the program reflect this administrative commitment. The Marshall Islands program is the most comprehensive of all those visited during the course of the evaluation.

The teaching staff includes one full time teacher and 15 part-time teachers. No Peace Corps personnel have been used this year. The Legislature has provided funds for the salary of the full time teacher. It happened that only 2 of the part-time teachers are currently employed in the regular schools of the District. There appears to have been some in-service training of the six members of the teaching staff on Majuro. In addition, they have participated in the 309 Projects' teacher training activities. All of the teachers met in a group meeting with the Consultant. They were impressive in their ability to discuss their instructional programs and the approaches and materials they are using and those they would like

to have. They were usually well informed on the island's program and demonstrated cooperative attitudes and strong commitment to the program and each other.

The Majuro Atoll continues to operate a fine Learning Center. Materials are well organized and the facility is more than adequate to house the administrative offices as well as providing for small group and individual instruction. Again, the visit was conducted on holidays and no instruction was being offered. It was clearly evident however, that the Center was well organized and equipped to meet student needs. In addition to the Learning Center, classes are offered in a Youth Center, in a theological college, churches, high schools, and elementary schools.

Program record keeping forms and procedures were well in place. The various monthly and annual reports prepared by the Specialist were readily available and were done in a very professional manner. Teacher reports from the outer islands are somewhat eratic but were an improvement over what had been seen before, As on Ponape, course outlines had been prepared for most of the classes being offered. They do use a bi-lingual approach in most areas in which the instruction is conducted. Some teachers have constructed a locally developed placement test to attempt to do some needs assessment for grouping of classes or within classes. It is reported to be fairly successful for their purposes.

The local planning advisory council has not functioned this year. No specific reasons were offered to explain this change.

The functions of this group have been accomplished by a variety of activities including teacher discussions with their classes about community needs, scheduled public meetings by the Board of Education, and informal assessments made by ABE staff as they participate in community activities.

Class offerings have not changed to any marked degree from those offered last year. A new feature has been mini workshops. They are conducted for three full days and address six basic topics such as child care and development, nutrition, consumer education, and government. Individualized programs have grown during the year; however, total program enrollment is down. At the time of the visit it appears that about 600 persons will be enrolled during the year.

The ABE program in the District is continuing to demonstrate its ability to work effectively with other agencies and groups in the District. They have maintained the ABE funding in the amount of $12,000.00 from the Nitajela, a local governmental body.

Summary

After viewing the ABE programs in five of the six Districts in the Trust Territory the Consultant is satisfied that instructional programs are being conducted within the provisions of the Adult Education Act. Local conditions and the quality of leadership affect the accomplishments of the program. While some similarities were recognized, the differences in the programs were most evident.

Although not specifically expressed by the ABE Specialists there was an implied need for an increased level of standardization at least in the basic administration, organization, and materials appropriate for Micronesian needs.

The 309 (now 310) grants which have been established with In-Math Education Consultants and the Far West Laboratory appear to be strong factors in developing staff development activities leading to a more consistent approach to ABE programming and instruction. The programs were praised without exception or reservation by the ABE Specialists and participating teachers. There appears to be no question regarding the effectiveness of these projects in their activities up to the time of the Consultant's visit.

This section of the report has attempted to describe what the major impressions were of each District program. The purposes of the visit to each program were to gather information, data, and perceptions upon which to base judgments relative to the accomplishments of the Trust Territory program in meeting its stated objectives. This also includes developing a basis for specific recommendations for improving the program in coming years. It is recognized by the Consultant that many items which will affect these latter purposes may not have been specifically mentioned but have never-the-less been noted and accounted for in the balance of this report.

SECTION #3

ANNUAL PROGRAM PLAN OBJECTIVES

ANNUAL PROGRAM PLAN OBJECTIVES

It is part of the Consultant's responsibility to assess the accomplishments of the Trust Territory to determine if they substantially fulfill the stated objectives of the 1978-79 Annual Program Plan approved by the U.S. Commissioner of Education. The following are the conclusions reached after reviewing the Annual Program Plan and all available data and impressions gathered during the on-site visits, various interviews with ABE program personnel, classroom observations, and inspection of available records. It should be noted that the Annual Program Plan contains a rather elaborate format for stating and clarifying the year's objectives. The broadly stated objectives on pages 22-25 were selected for the purpose of analysis of the Trust Territory ABE program to determine compliance. Many of the program objectives which are re-stated in administrative terms on pages 25 thru 28 have also been addressed in the description and discussions of the District programs and the Headquarters operation.

I. "Instruction in basic English communication and basic computational skills building will be provided for eligible Micronesian adults in all six districts."

The strongest and most consistent instructional components throughout all six districts are the speaking, reading, and writing, and computational classes. It was clearly evident that although most of the

beginning level classes use native languages, they consider the bilingual approach to be transitional. Good English skills were found in the more advanced classrooms. Commercial materials and some teacher-made items were supportive of this instruction and were seen in each of the districts visited. All evidence indicates this type of class is being offered within the provisions of the Adult Education Act.

II. "...the program will offer classes in the six districts, based in language skills, involving both English and the vernaculars and geared towards political enlightenment, understanding of civic responsibility, and comprehension of citizens' rights."

Each of the five District ABE Specialists specifically described their efforts to conduct classes addressing this issue. The motivation of students varies from district to district seemingly dependent on the general climate of political independence. No information about curricular offerings in the Kosrae District were available. The Consultant is satisfied that this objective is being addressed in varying degrees throughout the Territory.

III. "In all districts, classes based in development of language skills focused on environment protection and preservation will be offered."

The Consultant was unable to identify any elements of classroom instruction which dealt with environment protection or preservation. No classroom materials were found which might be used in classes

addressing this objective. It can only be concluded that little, if any, activity is being conducted in this area.

IV. "Where feasible, the program will provide classes for adults in health education, physical and mental well-being,...."

This area of the curriculum is one of the most popular in the districts visited. It may be taught as a separate class or used as subject matter for generating study skills. Most ABE Specialists felt there was significant need for this type of program and expressed strong commitment including it in their programs. This objective is definitely being met by the Territory ABE program.

V. "The program will provide in two districts classes in public safety based in language skills building."

The Marshall Islands District appeared to have the only identifiable program element which addressed an aspect of public safety. This subject matter was included as part of their mini course series. They also offered a class in first-aid. It is possible that other teachers in other districts may utilize this as a discussion topic; however, no evidence of such instruction was available to the Consultant.

VI. "The program will continue to simplify and render useful for language skills development political and civic affairs materials, and to expand ABE materials in the areas of health education, metric education, small business practice, consumer education, and basic principles of economy and its fluctuations."

This particular objective is one which was especially difficult to assess. Success in reaching the specific components described in the objective varied considerably. Generally, the political and civic affairs materials have been substantially completed and are in place throughout the districts. The remaining areas are, to a degree, addressed by the video project being conducted by In-Math Educational Consultants within their 310 grant. Consumer education and health education have received the greatest attention. Metric education was simply missing from any data or observations made in the districts as were the areas of small business practice and basic principles of economy fluctuation. In view of the needs for basic education at the lowest level and the training and experience limitations of most teachers it appeared to the Consultant that while this was a desireable objective it was overly ambitious for the situation.

VII. "In at least one district, ... an alternate adult high school diploma program which may serve as a replicable model ..."

No district was found to have an operating alternative program leading to an adult high school diploma. The ABE Coordinator has been working toward this objective through his participation in Region IX activities with other states and as a part of the staff development activities arranged for or conducted through the Far West Laboratory 310 grant. It was noted that the G.E.D. testing program was consistently offered by each district office of education.

In most instances this service was closely coordinated with the ABE program. The ABE Coordinator in DOE/Headquarters is also the State GED administrator. It is the opinion of the Consultant that the Trust Territory should move ahead in this area with extreme caution. Alternative adult high school diploma programs require a complex set of procedures within a sophisticated delivery system to function properly.

VIII. "The program will assist with the strengthening of district level administrative units and corollary instructional activities through inservice training ..."

In-service training activities for district level administrative staff were specifically provided through the Section 310 grants. The In-Math Educational Consultants project, in particular, focused upon the subject areas suggested in the full text of this objective. At the time of the Consultant's visit workshops had been held on Ponape and Palau which were attended by district ABE Specialists and various members of their staffs. Interviews conducted with those who had attended these sessions confirmed that there was a high level of participant satisfaction with the content of the workshops and the manner in which they were conducted. The concluding workshop in this series was scheduled for late July 1979. Interviews were held with Mr. Thomas Johnson and Mr. John Fleischman from In-Math Educational Consultants upon return to California. They presented their plans for the final workshop and materials they were preparing for

the various presentations to be offered. The areas of assessment and students and teacher supervision and evaluation were emphasized. Contact was made with both of these individuals early in August of 1979 after the workshop had been completed and the 310 contract had been fulfilled. They expressed their perceptions that the workshop plan had been fulfilled and all expectations met. Mr. Rabauliman confirmed this and indicated that his evaluation of the activities led to the conclusion that they had met or exceeded all requirements.

A second 310 project with Far West Laboratory also provided for the coordination of selected Trust Territory personnel in staff development activities developed by the Region IX state consortium. A major summer institute was held for one week at California State University at San Diego during June of 1979. The Consultant visited the workshop, reviewed the training agenda, surveyed training materials, and interviewed the ten Micronesians in attendance. The conference evaluations and all participant reactions together with the Consultant's personal observations supported the conclusion that it was an overwhelming success. Emphasis was placed on teaching strategies, material development, counselling and guidance activities, and assessment strategies.

IX. "The program will develop a handbook for use by district adult education administrative staff ..."

A review of records in the DOE Headquarters and district ABE

Specialists' offices identified a number of directives addressing some of the administrative components which should be included in a handbook for the administration of ABE programs. Such a document however, was not seen. The ABE Coordinator indicated his intentions of compiling such a handbook now that he will have an assistant in his office who will be able to work on this assignment.

X. The program will continue a special demonstration project for the utilization of reading materials for Micronesian adults ..."

This objective has been met through the activities of In-Math Educational Consultants as part of their 310 grant. A text series entitled, "Essential English for Micronesian Adults" was nearing completion when reviewed by the Consultant upon his return from Micronesia.

XI. "A demonstration project involving evaluation design and training will be implemented on a model basis."

This area of concern was addressed in the activities of both 310 grants. Workshop participants were involved in a process designed to give them experiential opportunities and a better understanding of the issues. No "model program" was seen however, in any of the districts. It was the opinion of the Consultant that this objective is a bit premature for the Trust Territory at this time.

XII. "The program will continue a three year special project activity of teacher training in ABE instructional techniques, program administration, and curriculum development."

The 310 project activities described in objectives VIII through XI document the accomplishment of this objective.

XIII. "The program may enter into a sole source arrangement ... for the purpose of staff development."

The 310 grant established with the Far West Laboratory is specifically designed to meet this on-going objective. In addition, to the activities described above the project staff has effectively facilitated the involvement of the ABE Coordinator in a variety of growth experiences. His attendance at the Region IX Consortium meetings, participation in satellite communication discussions, visits to operating projects in other states, and attendance at USOE meetings or professional conferences was influenced by the services provided by Mr. Paul Christiansen, 310 project director.

SECTION #4

PROGRAM ANALYSIS AND RECOMMENDATIONS

PROGRAM ANALYSIS AND RECOMMENDATIONS

The evaluation of the Trust Territory adult education program under the conditions described in the prior sections of this report represents a set of subjective opinions on the part of the Consultant. These opinions are formed, in part, as a reaction to on-site observations, interviews with key individuals, classroom visitations, inspection of program records and other data, and review of the existing administrative structure. The personal judgments of the Consultant however, are in the final analysis the result of the interaction of all these inputs with the basic philosophy and experiential background which he brings to the evaluation. Further, he must give consideration to the accomplishments of the program with reference to the time frame being evaluated as it represents a part of a developing program. This must be a value judgment imposed by the evaluator as he sees the potential of the program and recognizes the beginnings from which it has developed.

The following represent the Consultant's perceptions of the adult education program of the Trust Territory as a whole. These are to be considered as summarizing statements which may or may not be supported by previous sections of this report.

Program Strengths

1. Instructional programs in elementary and secondary basic skills are being offered in all districts within the Trust Territory.

2. Personnel employed at district and Headquarters levels have genuine commitment to the fundamental goals and purposes of the Adult Education program as described in the Annual Program Plan.

3. Leadership in DOE Headquarters is having an impact on what is happening in the district programs.

4. There is a sense of accountability for program administration in each of the districts visited.

5. The Section 310 grants established during the current year are clearly providing an imput of knowledge and are developing the capabilities of Micronesians to improve their programs.

6. The effectiveness of the program has increased and continues to show improvement.

7. The district programs are in all instances closely involved with the village and community and their on-going activities.

8. There are very real needs for the adult education program which are easily identified through the informal systems of personal interaction.

9. There is stability in the leadership at Headquarters and district levels which has helped to develop program continuity.

Program Weaknesses

1. Administrative and instructional personnel at all levels need and want to have more opportunities to improve and expand their skills.

2. Materials used in the classrooms are in many instances inadequate for adult students or are lacking altogether.

3. Resources other than those provided by the Adult Education Act have not been developed to the degree necessary to allow the program to meet the full needs of the districts.

4. The administrative policies and procedures for conducting the program have not been fully established in each district in such a manner that there is a means for greater accountability.

5. There is a marked lack of accurate enrollment and student data available for evaluation and planning purposes.

6. The relative isolation of the Trust Territory and the limited training of local personnel require staff development efforts to utilize external expertise and training opportunities.

Two major events are pending which have influenced the formation of recommendations for program and administrative improvement.

The first is the anticipated termination of the Trusteeship Agreement scheduled for 1981. Preparation is needed to enable the adult education services to be continued under local leadership. As described in the Annual Program Plan for fiscal 1979, "....depending upon the perspective of the viewer and his particularly individual bents, 1981 becomes either doomsday or a threshold to total opportunity (pages 11 and 12)." Certainly, this future for

the members of the Trust Territory presents a formidable challenge for those preparing for the changes which will occur.

The recent amendments of 1978 to the Adult Education Act is another force which will significantly affect the adult education program of the Trust Territory. The preparation of a three year state plan for adult education will assure a continuing sense of direction. It will however, require a significant adjustment in the planning for the adult program and in several aspects of its operation. These changes will be necessary in order to meet the provisions of the new legislative intent and the regulations which have been proposed to carry out the Act itself.

Continuing Recommendations

The recommendations offered in the two previous evaluation reports have been unusually consistent and have led to the identification of program and administrative concerns in need of continuing attention. On the basis of this year's evaluation activities, the Consultant recommends the following be considered as again being appropriate for the 1980 fiscal year.

1. A needs assessment should be completed using formal and informal methods which will describe the composition and size of the target populations, their specific education needs, demographic conditions which may create barriers to the program, and the local resources which are available to the adult education program.

2. A more formalized counselling and guidance system is needed in the district programs. This can be an effective tool for student recruitment and should have a significant impact upon the retention of students.

3. Serious attempts must be made to expand the number of teachers who are full time. This will allow classes to be offered throughout the daytime hours in a variety of settings and locations.

4. There is an overwhelming need for a standardized functioning record-keeping system.

5. Provision should be made for closer supervision of district programs.

6. An administrative manual containing program guidelines consistent with the Adult Education Act, existing regulations and policies of the DOE Headquarters regarding adult education programs should be prepared and distributed.

7. Special attention should be given to the staff development needs of the district personnel and the Headquarters staff. Section 310 funds should continue to be supportive of program improvement.

Priority Recommendations

The true value of a program review and evaluation lies in the suggestions for the future rather than simple observations about what is currently happening. The challenge is to anticipate the conditions of change which may affect the program in the immediate future and

form recommendations which will provide insight to those who are and will be responsible for its implementation.

The following recommendations have been constructed out of a sense of urgency prompted by political and legislative changes which have either already happened or are pending in the near future. In some instances they may be restatements of several continuing recommendations. They are repeated here to add emphasis and clarification of their importance as priorities for the development and administration of the program.

I. It is recommended that increased efforts be made to prepare those in leadership roles in district adult education programs to accept full responsibility for all aspects of administration, program development, curriculum development, personnel administration, and evaluation. Full recognition is given to the accomplishments in these areas in the last year. It becomes crucial however, that such skills be sharpened if effective ABE programs are to continue subsequent to the termination of the Trusteeship agreement in 1981.

II. It is recommended that greater attention be given to identifying and obtaining funding and other forms of support for adult education programs in addition to the federal grant under the provisions of the Adult Education Act. This suggests the initiation of legislation for specific projects, utilization of other DOE funds, and application for special contracts or grants from related federal sources such as community education, CETA, and other public or private programs operated by organizations, agencies, or groups in the communities.

III. It is recommended that attempts be made to establish formal program advisory systems or groups in each district. Input from these sources should assist in the development of District and Territory plans for adult education and provide for involvement in the operation of the program.

IV. It is recommended that steps be taken to expand the system for delivery of ABE instruction and services to include those other than the public schools. Efforts should be made to establish a system which will encourage public as well as private non-profit agencies and organizations to offer such services.

V. It is recommended that the Adult Education Coordinator and DOE Headquarters assume greater responsibility for designing a standardized system for reporting student and program data which would be required of all participating districts. District ABE Specialists should receive intensive and continuing training about how the system is to function at the district level and the data reported to DOE Headquarters.

VI. It is recommended that greater attention be given to assisting districts to identify and obtain appropriate teacher materials. It is suggested that some degree of standardization should be attempted among the programs. The products of the 310 grant awarded to In-Math Educational Consultants may be the appropriate first effort in this area of concern.

VII. It is recommended that sample course outlines and teacher guides be prepared for those classes which are most commonly offered. These activities may be closely related to those suggested in Recommendation VI. This is another factor in the general move toward a higher level of standardization throughout the Territory.

APPENDIX I

THE ADULT EDUCATION ACT

AMENDMENTS OF 1978

THE ADULT EDUCATION ACT

Short Title

Sec. 301. This title may be cited as the "Adult Education Act". 1/

Statement of Purpose

Sec. 302. It is the purpose of this title to expand educational opportunities for adults and to encourage the establishment of programs of adult education that will--

(1) enable all adults to acquire basic skills necessary to function in society,

(2) enable adults who so desire to continue their education to at least the level of completion of secondary school, and

(3) make available to adults the means to secure training that will enable them to become more employable, productive, and responsible citizens.

Definitions

Sec. 303. As used in this title--

(a) The term "adult" means any individual who has attained the age of sixteen.

(b) The term "adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who--

(1) lack sufficient mastery of basic educational skills to enable them to function effectively in society or who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) are not currently required to be enrolled in schools.

(c) The term "adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive

1/ This is a compilation of the Adult Education Act, Public Law 91-230, and all of its amendments through November 1, 1978.

and profitable employment, and to making them better able to meet their adult responsibilities.

(d) The term "Commissioner" means the Commissioner of Education.

(e) The term "Community school program" is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community.

(f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(g) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico and (except for the purposes of section 305(a)) Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools, then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

(i) The term "academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(j) The term "institution of higher education" means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

Grants to States

Sec. 304. (a) The Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and by public or private nonprofit agencies, organizations, and institutions and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and by public or private nonprofit agencies, organizations, and institutions. Grants provided under this section to States to carry out the programs described in the preceding sentence may be carried out by public or private nonprofit agencies, organizations, and institutions only if the applicable local educational agency has been consulted with and has had an opportunity to comment on the application of such agency, organization, or institution. The State educational agency shall not approve any application unless assured that such consultation has taken place. Such application shall contain a description of the cooperative arrangements that have been made to deliver services to adult students.

(b) Not more than 20 per centum of the funds granted to any State under subsection (a) for any fiscal year shall be used for the education of institutionalized individuals.

Allotment for Adult Education

Sec. 305. (a) From the sums available for purposes of section 304(a) for the fiscal year ending June 30, 1972, and for any succeeding fiscal year, the Commissioner shall allot (1) not more than 1 per centum thereof among Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States. From the sums available for purposes of section 304(a) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State plan approved under this title shall be available for reallotment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States

under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

State Plans

Sec. 306. (a) A State shall be eligible to receive its allotment under section 305 if--

(1) it has on file with the Commissioner a general State application under section 435 of the General Education Provisions Act, and

(2) it has submitted to the Commissioner at such times (not more frequently than one every three years), and in such detail, as the Commissioner shall prescribe a State plan meeting the requirements of subsection (b).

(b) A State plan under this title shall--

(1) set forth a program for the use of funds provided under this title to carry out the purposes stated in section 302 with respect to all segments of the adult population in the State, including residents of rural areas, residents of urban areas with high rates of unemployment, adults with limited English language skills, and institutionalized adults;

(2) provide for the administration of the program by the State educational agency;

(3) describe the procedures the State will use to ensure that in carrying out such program there will be adequate consultation, cooperation, and coordination among the State educational agency, State manpower service councils, State occupational information systems, and other agencies, organizations, and institutions in the State which operate employment and training programs or other educational or training programs for adults; and for coordination of programs carried on under this title with other programs, including reading improvement programs, designed to provide reading instruction for adults carried on by State and local agencies;

(4) identify (A) the needs of the population of the State for services authorized under this title, (B) the other resources in the State available to meet those needs, and (C) the goals the State will seek to achieve in meeting those needs over the period covered by the plan;

(5) provide that such agency will make available not to exceed 20 per centum of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school;

(6) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and public or private nonprofit agencies, organizations, and institutions);

(7) describe the means by which the delivery of adult education services will be significantly expanded through the use of agencies, institutions, and organizations other than the public school systems, such as business, labor unions, libraries, institutions of higher education, public health authorities, antipoverty programs, and community organizations;

(8) describe the means by which representatives of business and industry, labor unions, public and private educational agencies and institutions, churches, fraternal and voluntary organizations, community organizations, State and local manpower and training agencies, and representatives of special adult populations, including residents of rural areas, residents of urban areas with high rates of unemployment, adults with limited English language skills, and institutionalized adults, and other entities in the State concerned with adult education have been involved in the development of the plan and will continue to be involved in carrying out the plan, especially with regard to the expansion of the delivery of adult education services through those agencies, institutions, and organizations;

(9) describe the efforts to be undertaken by the State to assist adult participation in adult education programs through flexible course schedules, convenient locations, adequate transportation, and meeting child care needs;

(10) provide that special emphasis be given to adult basic education programs except where such needs are shown to have been met in the State;

(11) provide that special assistance be given to the needs of persons with limited English proficiency (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) by providing a bilingual adult education program of instruction in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native

language of such persons, carried out in coordination with programs of bilingual education assisted under title VII and bilingual vocational education programs under the Vocational Education Act of 1963;

(12) demonstrate that the special educational needs of adult immigrants in the State have been examined, and provide for the implementation of adult education and adult basic education programs for immigrants to meet existing needs;

(13) set forth the criteria by which the State will evaluate the quality of proposals from local agencies, organizations, and institutions; and

(14) provide such further information and assurances as the Commissioner may by regulation require, including information regarding the extent to which the goals of the program have been achieved during the preceding three years.

(c) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

Payments

Sec. 307. (a) The Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to that State. The Federal share shall be 90 per centum of the cost of carrying out the State's programs, except that with respect to Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Federal share shall be 100 per centum.

(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the fiscal effort per student or the amount available for expenditure by such State for adult education from non-Federal sources for the preceding fiscal year was not less than such fiscal effort per student or such amount available for expenditure for such purposes from such sources during the second preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

Operation of State Plans; Hearings and Judicial Review

Sec. 308. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that--

(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

Research, Development, Dissemination, Evaluation, and Information Clearinghouse

Sec. 309. (a)(1) Subject to appropriations under this section, the Commissioner shall directly, and through grants and contracts with public and private nonprofit agencies, institutions, and organizations, carry out a program--

(A) to develop new and promising approaches and innovative methods which are designed to address those problems and which may have national significance or be of special value in promoting effective programs under this Act, including one-year grants to States to plan for the expansion of their systems for the delivery of adult education services;

(B) to determine, using appropriate objective evaluation criteria, which projects and approaches assisted under clause (A) and under section 310 of this Act have achieved their stated goals and are capable of achieving comparable levels of effectiveness at additional locations; and

(C) to disseminate throughout the Nation information about those approaches or methods pertaining to adult basic education which are most effective, by establishing and operating a clearinghouse on adult education which shall collect, select, and disseminate to the public information pertaining to the education of adults, those approaches and methods of educating adults which are most effective, and ways of coordinating adult education programs with manpower and other education programs.

(2) The Commissioner shall directly, and through grants and contracts with public and private agencies, institutions and organizations, evaluate the effectiveness of programs conducted under section 304 of this Act.

(b) In addition to the responsibilities of the Director under section 405 of the General Education Provisions Act and subject to appropriations under this section, the Director of the National Institute of Education, in consultation with the Commissioner, shall directly, and through grants and contracts with public and private agencies, institutions, and organizations, carry out a program to conduct research on the special needs of individuals requiring adult education.

(c) There are authorized to be appropriated for the purposes of this section $1,500,000 for the fiscal year ending September 30, 1980, $2,000,000 for the fiscal year ending September 30, 1981, and $3,000,000 for each succeeding fiscal year prior to October 1, 1983.

Use of Funds for Special Experimental Demonstration Projects and Teacher Training

Sec. 310. Of the funds allotted to a State under section 305 for a fiscal year, not less than 10 per centum shall be used for--

(1) special projects which will be carried out in furtherance of the purposes of this title, and which--

(A) involve the use of innovative methods, including methods for educating persons of limited English-speaking ability, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this title, or

(B) involve programs of adult education, including education for persons of limited English-speaking ability, which are part of community school programs, carried out in cooperation with other Federal, federally assisted, State, or local programs which have

unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

(2) training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title.

Special Projects for the Elderly

Sec. 311. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to October 1, 1983.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

State Advisory Councils

Sec. 312. (a) Any State which receives assistance under this title may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

(b)(1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall--

(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 306;

(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

(C) prepare and submit to the State educational agency, and to the National Advisory Council on Adult Education established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

(c) Upon the appointment of any such advisory council, the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b)(1) of this section.

(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

(e) Each such State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

National Advisory Council on Adult Education

Sec. 313. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the "Council").

(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, including education for persons of limited English-speaking ability in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons, and persons representative of the general public. The Council shall

meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1984.

(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

Limitation

Sec. 314. No grant may be made under this title for any educational program, activity or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

Appropriations Authorized

Sec. 315. (a) Except as otherwise provided, there are authorized to be appropriated $210,000,000 for fiscal year 1979; $230,000,000 for fiscal year 1980; $250,000,000 for fiscal year 1981; $270,000,000 for fiscal year 1982; and $290,000,000 for fiscal year 1983 to carry out the provisions of this title.

(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for that year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title. The amount provided to a State under this subsection shall not be less than $50,000 for any fiscal year, except that such amount shall not be less than $25,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Improvement of Educational Opportunities for Adult Indians

Sec. 316. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians--

(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians;

(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(b) The Commissioner is also authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

(c) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for--

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

(d) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall--

(1) set forth a statement describing the activities for which assistance is sought;

(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

(e) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the succeeding fiscal years ending prior to October 1, 1983.

Emergency Adult Education Program for Indochina Refugees

Sec. 317. (a) From the appropriations authorized for the period beginning July 1, 1976, and ending September 30, 1983, but not appropriated for other programs under this title, the Commissioner shall carry out a program of making grants to State and local education agencies for such years for the purpose of operating special adult education programs for Indochina refugees, as defined in section 3 of the Indochina Migration and Refugee Assistance Act of 1975. Such grants may be used for--

(1) programs of instruction of adult refugees in basic reading, mathematics, development and enhancement of necessary skills, and promotion of literacy among refugee adults, for the purpose of enabling them to become productive members of American society;

(2) administrative costs of planning and operating such programs of instruction;

(3) educational support services which meet the needs of adult refugees, including but not limited to guidance and counseling with regard to educational, career, and employment opportunities; and

(4) special projects designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for individuals, particularly programs authorized under the Comprehensive Employment and Training Act of 1973 or under the Vocational Education Act of 1963.

(b) The Commissioner shall not approve an application for a grant under this section unless (1) in the case of an application by

a local education agency, it has been reviewed by the respective State education agency which shall provide assurance to the Commissioner that, if approved by the Commissioner, the grant will not duplicate existing and available programs of adult education which meet the special needs of Indochina refugees, and (2) the application includes a plan acceptable to the Commissioner which provides reasonable assurances that adult refugees who are in need of a program are located in an area near that State or local education agency, and would participate in the program if available.

(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information as the Commissioner may reasonably require.

(d) Notwithstanding the provisions of sections 305 and 307(a), the Commissioner shall pay all the costs of applications approved by him under this section.

Adult Education Program for Adult Immigrants

Sec. 318. (a) The Commissioner is authorized to enter into grants and contracts with State and local education agencies and other public or private nonprofit agencies, organizations, or institutions to provide programs of adult education and adult basic education to immigrant adults in need of such services. Such grants and contracts may be used for--

(1) programs of instruction of adult immigrants in basic reading, mathematics, development and enhancement of necessary skills, and promotion of literacy among adult immigrants for the purpose of enabling them to become productive members of American society;

(2) administrative costs of planning and operating such programs of instruction;

(3) educational support services which meet the need of adult immigrants including but not limited to guidance and counseling with regard to educational, career, and employment opportunities; and

(4) special projects designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for individuals, particularly programs authorized under the Comprehensive Employment and Training Act of 1973 or under the Vocational Education Act of 1963.

(b)(1) Any applicant for a grant or contract under this section shall first submit its application to the State educational agency. The State educational agency shall expeditiously review and make recommendations to the Commissioner regarding the quality of each such application, consistent with the purposes of section 306(b) (12) and (13) of this title. A copy of the recommendations made by the State educational agency shall be simultaneously submitted to the applicant.

(2) Any applicant which has submitted an application in accordance with paragraph (1) of this subsection, which is dissatisfied with the action of the appropriate State educational agency may petition the Commissioner to request further consideration by the Commissioner of such application.

(c) Applications for a grant or contract under this section shall be submitted at such time, in such manner, and contain such information as the Commissioner may reasonably require.

(d) Notwithstanding the provisions of sections 305 and 307(a), the Commissioner shall pay all the costs of applications approved by him under this section.

(e) Not less than 50 per centum of the funds appropriated under this section shall be used by the Commissioner to enter into contracts with private nonprofit agencies, organizations, and institutions.

(f) For the purposes of making grants and entering into contracts under this section, there is hereby authorized to be appropriated such sums as may be necessary for fiscal year 1979 and each of the four succeeding fiscal years.

LEGISLATIVE HISTORY

P.L. 89-750, Nov. 3, 1966, Title III, 80 Stat. 1191;
P.L. 90-247, Jan. 2, 1968, Title V, 81 Stat. 815;
P.L. 90-576, Oct. 16, 1968, 81 Stat. 1095;
P.L. 91-230, April 13, 1970, Title III, 84 Stat. 159;
P.L. 91-600, Dec. 30, 1970, 84 Stat. 1669;
P.L. 92-318, June 23, 1972, 86 Stat. 342;
P.L. 93-29, May 3, 1973, 87 Stat. 59;
P.L. 93-380, Aug. 21, 1974, Title VI, Part A, 88 Stat. 576;
P.L. 94-405, Sept. 10, 1976, Title III;
P.L. 94-482, Oct. 12, 1976, Title III;
P.L. 95-112, Sept. 24, 1977, 91 Stat. 911; and
P.L. 95-561, Nov. 1, 1978.

ADDENDUM

Maintenance of Effort Determination 1/

Sec. 431A. (a) In prescribing regulations for carrying out the requirements of section 403(a)(10) for fiscal year 1979 and section 404 (a)(7) for subsequent fiscal years of the Elementary and Secondary Education Act of 1965 and section 307(b) of the Adult Education Act, the Commissioner shall determine the amount so expended on the basis of per pupil or aggregate expenditures.

(b) The Commissioner may waive, for one fiscal year only, the requirements of this section if he determines that such a waiver would be equitable due to exceptional and unforeseen circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. In any case in which a waiver under this subsection is granted, the Commissioner shall reduce the amount of the Federal payment for the program affected for the current fiscal year in the exact proportion to which the amount expended (either on an average per pupil or aggregate basis) was less than the amount required by section 403(a)(10) for fiscal year 1979, and section 404(a)(7) for subsequent fiscal years of the Elementary and Secondary Education Act of 1965 or section 307(b) of the Adult Education Act. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort required, under such sections, for years subsequent to the year covered by such waiver; such fiscal effort shall be computed on the basis of the level of funding which would, but for such waiver, have been required.

(c) The Commissioner shall establish objective criteria of general applicability to carry out the waiver authority contained in this section.

(d) This section shall be effective with respect to each requirement to which it applies, during the period which begins on the date of the enactment of the Education Amendments of 1978, and ends on the date of termination of the program to which the requirement applies. For purposes of the preceding sentence, a program shall be considered to terminate on September 30 of the fiscal year, if any, during which such program is automatically extended pursuant to section 414 of the General Education Provisions Act.

1/ Sec. 431A of the General Education Provisions Act (20 U.S.C.)

APPENDIX II

PROPOSED REGULATIONS FOR THE ADULT EDUCATION ACT AS AMENDED IN 1978

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 166]

Adult Education—State-Administered Program and Commissioner's Discretionary Programs

AGENCY: Office of Education, HEW.

ACTION: Proposed Rules.

SUMMARY: The Commissioner of Education proposes to issue regulations to implement the Adult Education Act. The Adult Education Act was amended by the Education Amendments of 1978. These proposed regulations govern the State-administered program of adult education and the Commissioner's four discretionary programs. The primary thrust of these proposed regulations is to significantly expand the State delivery system of educational services to adults who are least educated and most in need of assistance. The proposed regulations also address educational programs for adult immigrants and adult Indochina refugees, planning grants to States, and a national development and dissemination program. The proposed regulations revise existing regulations to make them more understandable to the public.

DATES: Interested persons are invited to submit comments, suggestions, or objections regarding the proposed regulations on or before August 27, 1979.

Public meetings on these proposed regulations will be held in ten cities on August 7, 1979. The times for these meetings are—1 p.m.–5 p.m., 7 p.m.–9 p.m.

ADDRESSES: Comments should be addressed to Paul V. Delker, Director, Division of Adult Education, U.S. Office of Education, 400 Maryland Avenue SW., (ROB–3, Room 5056), Washington, D.C. 20202.

The location for the public meetings are:

Region I—Boston: Boston School Dept., Administration Building, Boston Committee Hearing Rm. 26, Court Street, Boston, Mass.
Region II—New York: Hearing Room E, Room 2222, 26 Federal Plaza, New York, New York.
Region III—Philadelphia: University City Holiday Inn, 36th & Chestnut Street, Philadelphia, Pa.
Region IV—Atlanta: Regional Office Building, 101 Mariette Towers Bldg., Suite 2221, Atlanta, Georgia.
Region V—Chicago: Roosevelt University, 430 South Michigan, Room 773, O'Malle Theater, Chicago, Illinois.
Region VI—Dallas: North Lake Junior College, Room B206, Lecture Hall, 2000 Walnut Hill Lane, Irving, Texas (Near Dallas Fort Worth Airport).
Region VII—Kansas City: Federal Office Bldg., 601 East 12th Street, Room 140, Kansas City, Missouri.
Region VIII—Denver: George Washington High School, 655 South Monaco Street, Denver, Colorado.
Region IX—San Francisco: Federal Office Building, Room 209, 50 United Nations Plaza, San Francisco, Calif.
Region X—Seattle: Room 1021, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Paul V. Delker, (202) 245–2278.

FOR INFORMATION ON REGIONAL MEETINGS CONTACT: The appropriate Regional Commissioner for Educational Programs listed below:

Region I, Boston, Dr. Thomas J. Burns, (617) 223–7500
Region II, New York, Dr. William D. Green, (212) 264–4370
Region III, Philadelphia, Dr. Albert C. Crambert, (215) 596–1001
Region IV, Atlanta, Dr. William L. Lewis, (404) 221–2063
Region V, Chicago, Ms. Juliette Noone Lester, (312) 353–5215
Region VI, Dallas, Mr. Edward J. Baca, (214) 767–3626
Region VII, Kansas City, Dr. Harold Blackburn, (816) 374–2276
Region VIII, Denver, Dr. John Runkel, (303) 837–3544
Region IX, San Francisco, Dr. Caroline Gillin, (415) 556–4920
Region X, Seattle, Mr. Allen Apodaca, (206) 442–0460

SUPPLEMENTARY INFORMATION:

General Information

Background

On November 1, 1978, the Educational Amendments of 1978 (Pub. L. 95–561) were signed into law. Title XIII of this legislation contains the amendments to the Adult Education Act. The primary purpose of the Adult Education Act has been, and continues to be under the new amendments, to offer educationally disadvantanged persons 16 years of age and older the opportunity to acquire basic skills necessary to function in society and to become more employable, productive, and responsible citizens.

There are two major parts to the adult education program established under the Adult Education Act. One is the State-administered program and the other is comprised of four national discretionary programs.

The State-administered program establishes a cooperative effort between the Federal Government and the States. Funds are allocated to the States on a formula basis and the States, in turn, fund local programs based on need and resources available. Each State is required to match these Federal adult education funds at the rate of ten cents for every ninety cents of Federal money.

These regulations have been drafted to implement the intent of the Congress as expressed in the amended Adult Education Act. After examining the Act and its legislative history, the Commissioner of Education considers the most important objective of this Act to be to provide adult basic education for those who are least educated and most in need of assistance. As the House Report on this subject stated, "The needs of those individuals have not been adequately met to date and now is not the time to loosen up the requirements of the Act to spend more funds on those who are better educated and closer to achieving high school equivalency. For this reason, the Committee [on Education and Labor] adopted amendments that specifically direct that the required State plans describe how the program in each State will reach some of the adult populations traditionally most in need of, and least likely to participate in, adult education." (H. Rept. No. 95–1137, p. 128)

Congress amended the Adult Education Act to stress a significant expansion of a State's delivery system and an increased emphasis on outreach activities. With respect to the expansion of its delivery system, a State may now award subgrants to public and private nonprofit agencies in addition to the traditional recipients (i.e., local educational agencies). A State is also required to seek the active participation of representatives of diverse interests to participate in developing and carrying out its State plan.

The new amendments to the Act direct the States to increase their activities to inform the adult populations who are least educated and most in need of assistance of the availability and benefits of the adult education program. In order to insure the participation of these adult populations, recipients of funds must provide reasonable and convenient access to the program. Programs must be more flexible in their course offerings, locations, and in terms of providing for additional services such as day care and transportation.

The amended Act now requires that a State include in its State plan the criteria it will use to assess the applications submitted by eligible applicants. This requirement constitutes a major departure from past practice and will lead to greater accountability for the expenditure of Federal funds.

In addition to the State-administered program, the Act authorizes—

1. A National Development and Dissemination Program;
2. Planning Grants;
3. An Emergency Adult Education Program for Indochina Refugees; and
4. An Adult Education Program for Adult Immigrants.

Regulations to implement these discretionary programs are proposed in §§ 166.101 through 166.242.

These proposed regulations do not address contracts under the National Development and Dissemination Program and the Adult Education Program for Adult Immigrants. In the case of contracts, an offeror shall submit to the Commissioner a proposal that meets the requirements of a Request for Proposal (RFP) as announced by the Commissioner in the *Commerce Business Daily*. Selection criteria will be contained in the Request for Proposal. The proposal must meet the requirements of chapters 1 and 3 of title 41 of the Code of Federal Regulations.

No funds have been made available by the Congress for the four discretionary programs for Fiscal years 1979 or 1980.

How To Use These Regulations

The proposed regulations represent a significant departure from former adult education program regulations. In the past a user could generally rely on the adult education regulations, as a self-contained document, to determine which requirements were relevant. Under the current practices for the development of Office of Education regulations, the user must read these proposed regulations in conjunction with certain other documents. As a result, these proposed regulations are shorter and simpler than the former adult education program regulations.

First, these proposed regulations do not repeat or paraphrase the requirements contained in the text of the Adult Education Act. Since recipients of funds are bound by the requirements of the Act, as well as the regulations, the text of the Act is published—for the benefit of a user—as Appendix C to these proposed regulations. Appendix A lists the program assurances the State educational agency must sign in order to receive its entitlement. Appendix B establishes the national priorities for State-administered special projects and teacher training projects.

Second, these proposed regulations do not contain certain types of administrative requirements formerly found in the adult education program regulations. Those requirements will be covered in the Education Division's General Administrative Regulations (EDGAR), which will replace the general Provisions for Office of Education Programs regulations and which were published as a Notice of Proposed Rulemaking (NPRM). Anyone wanting to comment on these requirements should respond to the EDGAR NPRM, rather than to this NPRM.

The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist recipients in using regulations that apply to Education Division programs.

Certain other administrative requirements are contained in the Department of Health, Education, and Welfare General Administration regulations in 45 CFR Part 74 (Administration of Grants). These HEW grants administration regulations cover, for example, cost principles, reporting requirements, property requirements, and procurement standards.

The General Education Provisions Act and the various civil rights authorities also govern the operation of the adult education program. The regulations implementing the civil rights authorities and those relating to the protection of human subjects and day care services are referenced in EDGAR.

These authorities are: 45 CFR Parts 80 and 81, relating to nondiscrimination on the basis of race; 45 CFR Part 84, relating to nondiscrimination on the basis of handicap; 45 CFR Part 86, relating to non-discrimination on the basis of sex; 45 CFR Part 46, relating to the protection of human subjects; and the Federal Interagency Day Care Regulations (FIDCR) in 45 CFR Part 71. (The FIDCR are under revision, and an NPRM will soon be published.) In addition, the Department will shortly be issuing final regulations at 45 CFR Part 90 to implement the Age Discrimination Act.

Public Participation

The Commissioner of Education has undertaken a variety of steps to maximize public participation in the development of these proposed regulations. These steps are consistent with the objectives contained in the President's Executive Order 12044 on Improving Government Regulations and the Secretary's Operation Common Sense initiative.

In October and November of 1978, the Office of Education convened four area workshops with State Directors of Adult Education. The purpose of these workshops was to raise issues concerning the fulfillment of the legislative intent with suggested alternatives for resolving the issues. These workshops also provided an opportunity to share with State Directors suggested models and processes for planning and carrying out State adult education programs.

On November 29, 1978, the Commissioner announced in the **Federal Register** (43 FR 58801) a Notice of Intent to Develop Regulations for the Adult Education Program. Following this announcement, 10 area meetings were held across the country to identify and resolve major issues raised by the amended legislation before final regulations are implemented.

Many comments and suggestions were submitted at the four workshops and 10 area meetings. In addition, over 200 persons mailed comments directly to the Office of Education. These comments were analyzed and, in many instances, incorporated into these proposed regulations. The major issues that surfaced during the development of these proposed regulations are discussed in the next section of the preamble.

On March 1, 1979, the Commissioner announced in the **Federal Register** (44 FR 11567–11568) a Notice of Availability of Draft Proposed Regulations for the State-administered program. State educational agencies are using the draft as guidance in formulating three-year State plans.

At this time, the Commissioner invites the public to comment on the text of the proposed regulations. The public is requested to specify the section number of the proposed regulations to which each comment refers. The Commissioner of Education will respond to the comments received as a part of the final regulations. This response will also cover and comments made by the public on the draft proposed regulations.

Ten public meetings will also be held during the 60-day comment period on these proposed regulations to offer the public another opportunity to address the significant issues raised. These meetings will be conducted in cities across the country. The dates and locations are specified in this preamble.

Finally, under its statutory responsibility, the National Advisory Council on Adult Education has provided meaningful advice to the Commissioner on the preparation of these regulations.

Discussion of Major Issues

Some of the comments received by the public raised critical policy issues with respect to the interpretation and implementation of the Act. These issues are briefly summarized in the following

paragraphs. Since the policy positions in these paragraphs are not final, the Commissioner invites the public to submit views on them.

1. Regulating the Local Application Process

In a major departure from previous requirements, section 306(b)(13) of the amended Act requires a State to include in its State plan the criteria by which the State will evaluate the quality of proposals from local agencies, organizations, and institutions. It is clear from this requirement that a local applications is an essential element in the decisionmaking process concerning the use of Federal and State funds under the State plan. The local application must, therefore, include sufficient information to enable a State educational agency to make program decisions consistent with the purpose and intent of the legislation.

Many commenters expressed concern that the Federal Government not overregulate in this area. Some commenters felt that a requirement for an extensive local application would constitute an increased paperwork burden on State and local educational agencies. An increased paperwork burden is judged by the commenters as being inconsistent with Congressional intent to reduce paperwork burdens as reflected in the provisions for a three-year State plan.

Another concern expressed was the increased State and local administrative time and cost involved with implementing an extensive local application system. The additional cost of administering that system would have an adverse effect on funds available for programs at the local level and would be particularly detrimental to the smaller programs in a State. Many smaller programs are staffed by part-time personnel and do not currently have the capacity to develop an extensive local application. Therefore, additional staff might be required to develop the local application or the program might be dropped by the local educational agency.

Other commenters indicated that some States have in the past used a system of local applications even though the procedure was not specifically required under the former legislation. This group of commenters concluded that the use of local applications is good management practice. However, this group also expressed concern that the Federal Government not overregulate in this matter.

The Commissioner agrees that this provision in the law will require increased administrative time and resources at both State and local levels. However, the potential for improved program management, coupled with the provisions in the law for increased program and administrative funds, would seem to support for the full implementation of this requirement.

The Commissioner has chosen not to regulate the content of the local application. However, in § 166.41 the proposed regulations address what the Commissioner considers the minimum criteria for a State's review of local applications that would implement the purpose and intent of the legislation. A State will need to consider the local application data necessary to make sound management decisions.

2. The Criteria a State Uses To Distribute Funds

Many commenters expressed concern as to how section 306(b)(13) of the Act should be regulated.

Some commenters indicated that States already have a system established for awarding funds to eligible applicants which meets unique needs of individual States. Accordingly, a prescribed change in the criteria for awarding funds may result in the disruption of long-established and greatly needed programs. These commenters suggest that there should be no regulations in this matter or, at most, regulations that provide States the flexibility to meet their respective unique situations.

Another group of commenters suggested that States be required to develop specific funding criteria that measure applicant capability to provide effective service. Some commenters suggested that the criteria should include items such as assessment of the objectives and methods of attaining the goals of the activity proposed, the past performance of the applicant in serving the least educated, staff qualifications, evidence of linkages with other agencies, adequate facilities, fiscal responsibility, and cost effectiveness.

Another concern expressed was that a State educational agency not be permitted to make the funding criteria so specific as to preclude public and private nonprofit agencies, organizations, and institutions from participation in the program. For example, a State should be prohibited from adopting criteria that would specify the number of hours of instruction required in a program or require the use of specific tests or resource persons.

Section 166.41 of these proposed regulations addresses what the Commissioner believes are the minimum requirements for assuring that applications are funded in a manner consistent with the purpose and intent of the legislation. An effort has been made to identify the factors that reflect the thrust of the law, while permitting a State educational agency maximum flexibility to develop the specific criteria to meet the needs unique to the State.

3. Expanding the Delivery System

As outlined in the *Background* section of this preamble, Congress placed major emphasis on the expansion of the delivery system. Section 306(b)(7) of the Act now requires a State educational agency to describe the means by which the delivery of adult educational services will be significantly expanded through the use of agencies, institutions, and organizations other than public school systems. The legislative history clearly indicates that existing cooperative efforts between public school systems and other agencies, institutions, and organizations have not been adequate to meet the educational needs of the least-educated and most-in-need segments of our adult population.

The basic school-based adult education programs have not attracted high participation from many segments of our society. Under the amended Act, participation by underserved segments of the population should be increased through the expansion of the delivery system. This expansion must now take into account organizations such as business, labor unions, libraries, institutions of higher education, public health authorities, antipoverty programs, and community organizations.

Public comments on the use of these alternative delivery systems both supported the concept and raised questions about its efficiency. The strongest support came from those concerned with libraries and their role in adult education and from private groups claiming special skills in dealing with populations such as Indochinese and other immigrant groups. Both volunteer and business groups were cited as potential delivery systems outside the public school systems.

The major adverse reactions were those relating to competition for limited Federal funds, duplication of efforts, questionable qualifications of other than public school systems to understand and deliver appropriate services to the least educated adults, and quality control. Some commenters viewed alternative delivery systems as less cost effective, providing less security, and not being financially liable.

In order to carry out this statutory provision for expanding the delivery system, § 166.15 of the proposed regulations requires a State to use agencies that can reach out to the adult populations most in need. A State may award subgrants to public or private nonprofit agencies (§ 166.31), as well as to local educational agencies. A State or eligible applicant may also contract for services with private for-profit organizations capable of carrying out an adult education program (§ 166.15).

4. Applications From Public or Private Nonprofit Agencies

Section 304(a) of the Act provides that programs may be carried out by public or private nonprofit agencies, organizations, and institutions only if they have consulted the appropriate local educational agency and given it an opportunity to comment on the application of the agency, organization, or institution. The State educational agency may not approve any application unless it is assured that this consultation has taken place. Many commenters expressed the need for a clear description in the regulations of what would constitute adequate consultation under provisions of section 304 of the Act.

One group of commenters suggested that the regulations limit public and private nonprofit agencies, organizations, and institutions to an advisory role to the local educational agency. These commenters stated that funds should be granted to local educational agencies only. This view appears to be based on the assumption that the local educational agency has been vested by the State Legislature with the responsibility for the total educational program of the community. It was also pointed out by these commenters that limiting funds in this way would be the most effective safeguard for maintaining the present level of professionalism and accountability in adult education.

Some commenters believed that public and private nonprofit agencies, organizations, and institutions should have the opportunity to submit applications to a State for funds to carry out adult education programs. A few of these commenters suggested that the nonprofit groups should be required to prove that the population group they are requesting funds to serve is not being served by the local educational agency.

Others felt that the local school board should be required to certify that projects proposed by the nonprofit groups are neither duplicative nor in competition with projects sponsored by the local educational agency. Proposed projects would also need to be certified as being consistent with the educational goals established by the local school board.

Other commenters expressed the view that the regulations should specify the level of funds that would be required to be expended for projects carried out through public and private nonprofit agencies, organizations, and institutions. This view appears to be based on the feeling that the nonprofit groups are the best alternative to reaching adults who are least educated and most in need of assistance, as well as those who have already experienced failure in the public school system.

Under this arrangement, the local educational agency's consulting role should not be used to impede the functioning of nonprofit groups. Local educational agencies should have no veto or approval power over applications. The only requirement should be that the nonprofit groups inform the local educational agency of the alternative adult education programs being provided.

The Commissioner agrees that paragraph (a) of section 304 of the Act is susceptible to a variety of interpretations. The main purpose of this requirement for consultation is to design a delivery system that allows adult educational services to be provided by those agencies that can best reach out to the adult populations most in need. The Commissioner believes that the most effective way of implementing this provision is requiring a competitive application process that considers the best possible combination of agencies for reaching the adult population most in need in the most efficient and economical manner. Under this competitive application process a State is expected to meet the requirements of the Act for expanding the delivery system.

These proposed regulations in § 166.31(b) address the requirements for consultation. It is a two-step process requiring the nonprofit group to (a) seek the advice and guidance of the local educational agency on the development of its application and (b) provide the local educational agency an opportunity to comment on the application prior to its submission to the State educational agency.

This process is intended to encourage cooperation among all applicant agencies in the geographical area to develop the best delivery system possible for reaching adults who are least educated and most in need of assistance. The local educational agency does not have veto or approval power over applications from nonprofit groups. The State educational agency, however, shall make the decision as to which applicants will be funded.

5. Outreach

The legislative history of the amended Adult Education Act recognizes the failure of the States to adequately bring the underserved, least educated, and unemployed into the mainstream of our society. In order to provide adult educational services to these adults under this program, the States must undertake intensive outreach efforts.

The proposed regulations define "outreach" in § 166.3 to mean "activities designed to (1) inform adult populations who are least educated and most in need of assistance of the availability and benefits of the adult education program, and (2) assist these adult populations to participate in the program by providing reasonable and convenient access." Thus, the State and local recipients must not only support activities designed to publicize the program, they must also include efforts to facilitate the participation of eligible persons once those persons become aware of the program.

Outreach activities are now an integral part of a number of federally funded assistance programs including the Food Stamp program, Aid to Families with Dependent Children (AFDC), social services under the Older Americans Act, and the Supplemental Security Income program (SSI). Administrators of these programs have actively disseminated explanator publications using means such as direct mailings, information booths at shopping centers or polling places, and flyers accompanying utility bills.

Use of the media is another effective method of reaching the intended audience. Private organizations such as legal aid clinics, churches and synagogues, unions, senior citizens' groups, veterans' groups, lodges, and fraternal orders are usually very helpful in reaching their own members.

Facilitating access for eligible persons is the second major ingredient of outreach. This includes not only making participation possible, but also making it easier. Locations of programs should be at geographically convenient places, with the hours of instruction designed to reasonably accommodate the demands of the participants. Special transportation services, which are now reimbursable under the Act, may be necessary to assist individuals who are unable to use conventional means of transportation to reach a program site.

In addition, day care and child care services, which are also reimbursable activities, should make it easier for needy adults to participate.

The Office of Education has received numerous comments endorsing the new emphasis on outreach. Some commenters favored outreach because it made the program more accessible to their place of residence. Other commenters stated that neighborhood centers should provide learning in informal settings, particularly for classes in English as a second language. Others urged that classes be held in community centers where the elderly are served lunch and to which they are provided transportation. Another commenter suggested that satellites of existing centers be used as a means of finding and serving those needing basic literacy instruction.

Although these proposed regulations have incorporated this vitally important component of outreach into the adult education delivery system, a State has the discretion to perform outreach activities in a manner that most effectively meets the needs of those adults in the State who are least educated and most in need. The Commissioner does not propose any fiscal ceiling on the amount used for support services or other outreach activities. At the same time the Commissioner does not propose to divert substantial resources away from the support of instruction and believes that eligible grantees should make concerted efforts to use other Federal, State, and local resources to support outreach activities. The Commissioner does, however, solicit further comment on the subject. Comments are particularly invited on the proposed definition of "outreach" and whether this activity should be more restrictively regulated.

6. Special Adult Populations in Need of Assistance

Although section 306(b)(1) of the Act requires a State to set forth a program for all segments of the adult population in the State, other parts of the Act and the legislative history place special emphasis on specific adult populations.

Adults from rural areas and from urban areas with high rates of unemployment are singled out in section 306(b)(1) as segments of the population to be served. Adults with limited English language skills are recognized as a priority group in section 306(b)(1) and section 306(b)(11). Institutionalized adults are mentioned as a priority in section 306(b)(1) and section 304(b). Section 306(b)(12) of the Act requires that the State plan demonstrate that the special needs of adult immigrants have been examined.

In addition to these [illegible] special adult populations whose needs must be examined and accommodated by the State, the proposed regulations in § 166.13 list additional groups. Elderly persons have been included as a result of the recent findings by the Commission on Civil Rights. In its Age Discrimination Study submitted to the President and the Congress, the Commission found that the 55 to 65 age group accounts for only 10 percent of the adult basic education program participation, while this age bracket accounts for 35 percent of the eligible participants. Those over 65 make up only 4 percent of the participant population, although it has been estimated that illiteracy rates are relatively higher for this age group than for persons 55 to 65.

Handicapped adults, women, and adults from minority groups are also included in this list of special populations whose educational needs must be examined. These three populations are prime examples of discrete classes that, in many instances, have been *outside the mainstream of the adult education delivery system.* In order to remedy the past deficiencies of the State in providing ready access to the program for these groups, the Commissioner believes it is appropriate to add the handicapped, women, and minorities to the list of special populations in § 166.13.

The Commissioner encourages the public to submit comments on the appropriateness of including each of the special populations in § 166.13.

7. The Participatory Process in Developing the State Plan

In the past, State educational agencies had sole responsibility to develop and carry out the State plan. The amended Act now calls for the participation of a variety of groups and agencies in both the development and implementation of the plan. This significant statutory change raises a number of issues. First, what agencies must be included in the actual development and implementation of the plan? How are representatives from these agencies to be selected? Finally, what role must be assigned to these representatives in developing the plan?

With respect to the first issue, section 306(b)(8) lists 15 agencies and groups that will be "involved in the development of the plan and will continue to be involved in carrying out the plan." In addition to the 15 groups specified in the statute, section 306(b)(8) calls for participation by "other entities in the State concerned with adult education."

Because the participatory requirement is a major departure from past practice, numerous comments were submitted to the Office of Education advancing varying viewpoints. One group of commenters urged that the State educational agency be assigned total discretion in selecting the agencies to be involved. These commenters for the most part supported the former practice of allowing the State educational agency total autonomy in the development and implementation of the plan. A countervailing group of commenters suggested participation by groups in addition to those included in the Act (e.g., libraries, State employment security agencies, and organizations representing older persons).

These proposed regulations in § 166.14 delineate the 15 agencies, organizations, institutions, and groups that must be represented in developing and carrying out the plan. A sixteenth category of "other entities" is also included with examples of types of organizations that should be included in the participatory process. Under the proposed structure, the State must involve at least 15 listed groups in order to be in compliance.

Neither the Act nor the legislative history offers any guidance, however, on how these representatives are to be selected or how their participation is to be verified. Most commenters urged that the State educational agency be left free to determine how representatives should be selected. A few commenters, however, believed the appointments should be made by organizational heads. The comments seemed evenly divided on requiring or not requiring signed certifications to verify participation.

The Commissioner agrees with those commenters favoring a flexible mode in the selection process. These proposed regulations in § 166.14 require only that a State plan describe how the representatives were selected and the means by which these representatives were involved in the development of the plan. In this way, a State may elect the process it considers to be most effective. Certifications, direct or delegated designations, and other methods may be employed as long as the State educational agency reliably documents these procedures in its State plan.

On the final question of how these representatives are to be involved in developing and carrying out the plan, neither the Act nor the legislative history offers any specific guidance.

These two sources do, however, reinforce the importance of actively involving these representatives in order to improve outreach activities and the delivery of services to those adults who are least educated and most in need of assistance.

The comments received on this significant issue appear to span the entire spectrum of the participatory process. Some commenters suggested that a public hearing would satisfy the requirements of the Act. Others called for the representatives from the various agencies to write the plan and carry it out.

The Commissioner considered a broad range of options. These proposed regulations in § 166.14 define "involved in the development of the plan" to mean that the representatives of the various groups are given an opportunity to actively participate in all stages of formulating the plan. In this way, the regulations assure substantive involvement without prescribing the methods or mechanisms through which diverse involvement is achieved. This requirement is designed to allow maximum flexibility to a State educational agency while also assuring that token participation will not qualify a State to receive funds.

The regulations further provide that a State plan will explicitly cite any recommendation that is rejected by the State educational agency and the reasons for rejecting the recommendation. These requirements are designed to further safeguard against misunderstandings between a State educational agency and participating representatives and to further prohibit superficial involvement without substantive impact.

With respect to the issue of the involvement of these representatives in carrying out the plan, § 166.15 of these proposed regulations requires that a State annually provide the representatives with the opportunity to comment both on how the State educational agency is carrying out the plan and the expansion of the delivery system. A State must include these comments in its subsequent three-year plan.

8. Limitation on Funds for Special Experimental and Demonstration Projects and Teacher Training Projects

Section 310 of the Act requires each State to expend at least 10 percent of its allotment for special experimental and demonstration projects and teacher training projects. This is the same minimum percentage contained in the former section 309 of the Act.

On the issue of whether the Commissioner should establish an upper limit on the percentage used for this purpose, or whether a justification should be required for expenditures that substantially exceed the 10 percent requirement, numerous comments were received. Most of the commenters including the National Advisory Council on Adult Education, took the position that the Commissioner should not establish an upper limit or a justification requirement. These commenters pointed to the absence of any evidence indicating abuse or excessive expenditures and suggested, therefore, that no programmatic benefit would accrue with further regulation. A few commenters, however, suggested that all amounts in excess of the 10 percent minimum should require adequate justification.

The Commissioner agrees with the majority of the commenters that there is no reasonable basis at this time for establishing a justification requirement or an upper limit. Inflationary pressures appear to have forced the State educational agency to allocate as much as possible of its allotment for program operations. Accordingly, these proposed regulations do not cover this issue.

9. Regulating State Advisory Councils

The Commissioner proposes not to regulate the establishment, functions, and responsibilities of State advisory councils. The basis for this position is twofold. First, section 312 of the Act provides sufficient guidance to the State to govern the operation of these councils. Second, the Act does not require the State to establish a State advisory council and, therefore, only a couple of States operate advisory councils with the Federal allotment or non-Federal matching share.

Although many States have advisory councils that serve their adult education programs, these councils are generally broader in scope than just adult education. These councils, for the most part, are supported with funds other than those under the State plan and are not subject to the requirements of section 312 of the Act.

These proposed regulations merely require in § 166.13 that a State include in its plan a notification of the establishment of and membership of a State advisory council that meets the requirements of section 312. This requirement would only be binding on those States using the Federal allotment or non-Federal matching share to operate the advisory council.

The Commissioner invites public comment on the wisdom of this approach.

10. New Maintenance of Effort Requirements

These proposed regulations in §§ 166.52 through 166.54 describe the maintenance of effort requirements. This provisions requires that the State expend each year from non-Federal sources an amount that is not less than the amount expended in the previous year. The Education Amendments of 1978, however, amended section 431A of the General Education Provisions Act to allow a waiver of this maintenance of effort requirement. Under this new waiver authority the Commissioner may waive, for one year only during the life of the Act, the maintenance of effort requirement in section 307(b) of the Adult Education Act. This waiver is permissible only if the Commissioner determines that a waiver would be equitable due to exceptional and unforeseen circumstances affecting the State.

These proposed regulations in § 166.54(c) contain standards by which the Commissioner may, under exceptional and unforeseen circumstances, waive the maintenance of effort requirement of the Act. These exceptional and unforeseen circumstances, which carry a penalty of pro rata reduction of the Federal allocation, include situations in which the State educational agency or local educational agency had no control of the events resulting in decreased expenditures but made a reasonable effort in a timely fashion to comply with section 307(b) of the Act. The Commissioner invites comments on these proposed standards to determine exceptional and unforeseen circumstances.

It should be noted that the Education Amendments of 1976 (Pub. L. 94-482) also revised the section 307(b) maintenance of effort requirement. Proposed regulations for this amendment were published in the Federal Register on September 2, 1977. These proposed regulations, however, were never published in final form due to the impending revisions in the waiver authority, subsequently included in the Education Amendments of 1978.

11. Programs for Adult Immigrants in Indochina Refugees

Under the provisions of sections 318 and 317 of the Act, the Commissioner is authorized to provide educational services for adult immigrants in Indochina refugees.

Section 318 represents a new authority which permits the Commissioner to award grants and contracts to State and local eductional agencies and other public and private nonprofit agencies, organizations, and institutions to provide programs of adult education and adult basic education to immigrant adults in need of such services. Not less than 50 percent of the appropriated funds shall be used for contracts with private nonprofit agencies, organizations, and institutions. This provision represents the intent of the Congress to support community organizations which have historically provided a substantial part of the educational services for immigrants.

Section 317 is an extension of the emergency adult Indochina refugee program originally authorized in 1977. Under this authority the Commissioner makes grants to State and local educational agencies only.

Public comment is invited on issues relating to how educational needs of adult immigrants and Indochina refugees may best be met. The Commissioner seeks advice on identifying agencies having the capability and experience to serve the needs of immigrants most effectively.

Regulations Reform Project

The Office of Education completed a review of program regulations in April 1978. That review—the Regulations Reform Project—had as its major objective the improvement of Office of Education regulations. The amended adult education regulations have implemented many of the recommendations of the Regulations Reform Project. The following recommendations are not included:

(a) The Project recommended that public participation requirements in developing State plans be limited to "securing input from advisory councils." Since this would be in direct opposition to the statute, Congressional intent, and the Administration's viewpoint, this NPRM does not follow that recommendation.

(b) The Project recommended that a single policy regarding State advisory councils apply to all State-administered programs. Since the statute provides sufficient guidance to the States to govern the operation of councils and does not require a State to establish a council, this NPRM does not regulate on State advisory councils. The Project's recommendations regarding advisory councils are not consistent with the statute; therefore, it a inappropriate to address them in these proposed regulations.

(c) The Project recommended an increase in admininstrative costs due to inflationary factors. Although the statute contains authority for an appropriation for State administration not to exceed 5 percent of the total appropriation, no separate appropriation has been made for this purpose to date.

The 1978 Amendments increased the minimum limitation on the amount of Federal funds that each of the 50 States, Puerto Rico, and the District of Columbia may expend for State administration to $50,000. For American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands this minimum is set at $25,000. In the absence of a separate appropriation, States may use a portion of their Federal allotments to pay for these administrative costs.

Operation Common Sense

This NPRM is written according to the Department's Operation Common Sense guidelines. Five comments relating specifically to the Adult Education State-administered Program were received in response to the Secretary's invitation to the public. All were based on legislative proposals and testimonies prior to the enactment of the 1978 amendments.

Comments related to expanding the delivery system for adult education, flexibility by States in assessing adult learning needs and allocating resources, and reducing paperwork. Each of these issues is discussed in depth in this NPRM.

Zero-Based Review

The Zero-based Review of Federal Planning Requirements of the President's Office of Management and Budget was designed to identify, simplify, and, when possible, consolidate or eliminate planning requirements for Federal programs. That review was completed in November 1977. The proposed regulations, for the adult education program have been written to accomplish the following:

(a) Standard assurances contained in the single State application required under section 435(b) of the General Education Provisions Act apply to the adult education program. Other assurances that specifically relate to this program are included in Appendix A of this NPRM.

(b) The recommendations regarding three-year State plan submissions with amendments when necessary have been accepted in the statute and NPRM.

(c) Data requirements are simplified and standardized in accordance with HEW General Administration Regulations in 45 CFR Part 74.

(d) Appendix A to this NPRM includes an assurance of adequate consultation, cooperation, and coordination among the State educational agency and entities as specifically designated in the statute.

Invitation To Comment

A public meeting on this NPRM will be held in each of the ten HEW Regions. Since comments on other proposed regulations will also be heard at these public meetings, it is recommended that persons wishing to make oral comments on this NPRM first notify the appropriate Regional Commissioner for Educational Programs in order that a time may be scheduled.

Persons who do not previously notify the Regional Commissioner for Educational Programs of their intention to make oral comments will also be given an opportunity to speak. However, commenters will be called upon according to the prearranged schedule or, if not prearranged, in the order of registration.

In addition, interested persons are invited to submit comments, suggestions, and recommendations regarding the proposed regulations. Comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before August 27, 1979, will be considered in the development of the final regulation.

All written comments submitted in response to this notice will be available for public inspection, both during and after the comment period, in Room 5058, ROB-3, 7th and D Streets SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Under the authority contained in the Adult Education Act (Pub. L. 91-230), as amended, the Commissioner is proposing to amend the regulations in 45 CFR Part 166.

(Catalog of Federal Domestic Assistance (CFDA) No. 13.400, Adult Education State-administered Program; Discretionary Programs, CFDA Nos. not assigned.)

Dated: May 4, 1979.

Ernest L. Boyer,

U.S. Commissioner of Education.

Approved: June 17, 1979.

Hale Champion,

Acting Secretary of Health, Education, and Welfare.

It is proposed to revise 45 CFR Part 166 to read as follows:

PART 166—ADULT EDUCATION—STATE-ADMINISTERED PROGRAM AND COMMISSIONER'S DISCRETIONARY PROGRAMS

I. General

Sec.
166.1 What are the adult education programs?
166.2 What other regulations are applicable to the adult education programs?
166.3 What definitions apply to the adult education programs?
166.4—166.9 [Reserved]

II. State-Administered Adult Education Program

Subpart A—General

166.10 What is the adult education State-administered program?

Subpart B—How a State Applies for a Grant

166.11 Who is eligible?
166.12 What documents must a State submit to receive its grant?
166.13 What must the State plan contain?
166.14 How is the State plan developed?
166.15 What other requirements must a State educational agency meet?
166.16–166.20 [Reserved]

Subpart C—How a Grant Is Made to a State

166.21 How is the amount of each State's grant determined?
166.22 What is each State's limitation on administrative costs?
166.23–166.30 [Reserved]

Subpart D—How To Apply to the State for a Subgrant

166.31 Who is eligible for a subgrant?
166.32–166.40 [Reserved]

Subpart E—How a Subgrant Is Made to an Applicant

166.41 How will a State review annual applications?
166.42–166.50 [Reserved]

Subpart F—Conditions That Must Be Met by the State

166.51 What are the matching requirements of the program?
166.52 What are the maintenance of effort requirements of the program?
166.53 How is a waiver granted?
166.54 What are exceptional and unforeseen circumstances?
166.55 How is maintenance of effort computed in the event of a waiver?
166.56 What are the percentage requirements with respect to State distribution of Federal funds?
166.57–166.60 [Reserved]

Subpart G—State-Administered Special Experimental Demonstration Projects and Teacher Training Projects

166.61 Who are the eligible applicants for these projects?
166.62 What are the criteria and priorities in administering these projects?
166.63 How will a State administer these projects?
166.64 How will the results be disseminated?
166.65–166.100 [Reserved]

III. National Adult Education Development and Dissemination Program and Planning Grants

Subpart A—General

166.101 What are the National Adult Education Development and Dissemination Program and Planning Grants?
166.102 Who is eligible to apply for a grant?
166.103–166.110 [Reserved]

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

166.111 What types of projects may be funded?
166.112–166.120 [Reserved]

Subpart C—How To Apply for a Grant

166.121 What must an application for a grant contain?
166.122 What is the duration of a project grant?
166.123–166.130 [Reserved]

Subpart D—How a Grant Is Made

166.131 What are the selection criteria for evaluating applications?
166.132–166.140 [Reserved]

Subpart E—Conditions That Must Be Met by a Grantee

166.141 What are the cost requirements under this program?
166.142 What documents must a State educational agency have on file with the Commissioner to be eligible for a planning grant?
166.143 What records and reports are required of the grantee?
166.144–166.200 [Reserved]

IV. Adult Education Programs for Immigrants and Indochina Refugees

Subpart A—General

166.201 What are the Adult Education Programs for Immigrants and Indochina Refugees?
166.202 Who is eligible to apply for a grant?
166.203–166.210 [Reserved]

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

166.211 What is a special adult education project for immigrants or Indochina refugees?
166.212 What is the target population to be served by a project?
166.213–166.220 [Reserved]

Subpart C—How To Apply for a Grant

166.221 What must an application for a grant contain?
166.222 State review of applications.
166.223 What is the duration of Federal support?
166.224–166.230 [Reserved]

Subpart D—How a Grant Is Made

166.231 What are the selection criteria for evaluating applications?
166.232–166.240 [Reserved]

Subpart E—Conditions That Must Be Met by a Grantee

166.241 What are the cost requirements under these programs?
166.242 What records and reports are required of the grantee?
166.243–166.300 [Reserved]

Appendix A: Program Assurances by State Educational Agency.

Appendix B: Priorities for Programs of National Significance.

Appendix C: The Adult Education Act, as amended.

Authority: Secs. 301–318 of Pub. L. 91–230, as amended by Pub. L. 95–561; 20 U.S.C. 1201–1211c, unless otherwise noted.

I. General

§ 166.1 What are the adult education programs?

Part 166 contains regulations interpreting or implementing the programs authorized under the Adult Education Act. The programs included in this part are—(a) State-administered Adult Education Program;

(b) National Adult Education Development and Dissemination Program and Planning Grants; and

(c) Adult Education Programs for Immigrants and Indochina Refugees.

(20 U.S.C. 1201 et seq.)

§ 166.2 What other regulations are applicable to the adult education programs?

(a) The following regulations also apply to the State-administered program and the Commissioner's discretionary programs under the Adult Education Act:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs), 45 CFR Part 100b (State-administered Programs), and 45 CFR Part 100c (Definitions).

(2) The Department of Health, Education, and Welfare General Administration Regulations in 45 CFR Part 74 (Administration of Grants).

(b) The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist recipients in—(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1201, 1221)

§ 166.3 What definitions apply to the adult education programs?

(a) *Statutory definitions.* The following terms used in this part are defined in section 303 of the Act:

Adult.
Adult basic education.
Adult education.
Local educational agency.
State.
State educational agency.

(20 U.S.C. 1202)

(b) *Definitions in EDGAR.* The following terms used in this part are defined in Part 100c:

Applicant.
Application.
Award.
Budget period.
Commissioner.
Nonprofit.
Private.
Project.
Project period.
Public.

(c) *Definitions in Part 74.* The following terms used in this part are defined in 45 CFR Part 74:

Budget.
Grant.
Grantee.
Subgrant.
Subgrantee.

(d) *Program definitions.* The following definitions also apply to the adult education programs:

"Act" means the Adult Education Act (20 U.S.C. 1201 *et seq.*).

"Expansion" means that the State educational agency has increased over the previous program year (1) the number of adults least educated and most in need of assistance participating in the adult education program and (2) the number of agencies, institutions, and organizations—other than local educational agencies—used to provide adult education and support services.

"Immigrant," as used in this part, means any refugee admitted (paroled) into this country or any alien except one who is exempt under the provisons of the Immigration and Nationality Act, as amended.

(8 U.S.C. 1101(a)(15))

"Indochina refugee," as defined in the Indochina Migration and Refugee Assistance Act of 1975, as amended by Pub. L. 94–313, and as used in this part, means an alien who because of persecution or fear of persecution on account of race, religion, or political opinion; fled from Cambodia, Vietnam, or Laos; cannot return there because of fear of persecution on account of race, religion, or political opinion; and is in urgent need of assistance for the essentials of life.

(22 U.S.C. 2601)

"Institutionalized person" means one who is an inmate, patient, or resident of a penal institution, reformatory, residential training school, orphanage, hospital, school for the physically or mentally handicapped, or general or special institution.

"Limited English proficiency" refers to individuals who have sufficient difficulty speaking, reading, writing, or understanding the English language that they are denied the opportunity to learn successfully in a learning environment where the language of instruction is English.

"Outreach" means activities designed to (1) inform adult populations who are least educated and most in need of assistance of the availability and benefits of the adult education program and (2) assist these adult populations to participate in the program by providing reasonable and convenient access.

(20 U.S.C. 1202)

§§ 166.4–166.9 [Reserved]

II. State-Administered Adult Education Program

Subpart A—General

§ 166.10 What is the adult education State-administered program?

The adult education State-administered program is a cooperative effort between the Federal Government and the States to provide adult education. Federal funds are granted to the States on a formula basis. The States fund local programs of adult education based on need and resources available. A description of the program is included in section 302 of the Act.

(20 U.S.C. 1201)

Subpart B—How a State Applies for a Grant

§ 166.11 Who is eligible?

Any State may apply for a grant under this part.

(20 U.S.C. 1206)

§ 166.12 What documents must a State submit to receive its grant?

A State educational agency shall submit to the Commissioner:

(a) A single State application as required by section 435(b) of the General Education Provisions Act. If a State educational agency has on file with the Commissioner a single State application for all education programs, this requirement is satisfied.

(b) A State plan, developed once every three years, that meets the requirements of these regulations and the Act.

(c) The certifications required by § 100b.104 of EDGAR.

(20 U.S.C. 1205)

§ 166.13 What must the State plan contain?

(a) A State educational agency shall include in its State plan a description of the policies, procedures, and activities for carrying out the requirements—(1) Listed in section 306(b) of the Act; and (2) Included in these regulations.

(b) A State educational agency may meet the requirements of section 306(b) (2) and (6) by submitting to the Commissioner a single State application under section 435(b) of the General Education Provisions Act.

(c) A State educational agency shall include in its State plan the program assurances in Appendix A.

(d) A State educational agency shall describe, for the three-year period covered by the plan, the adult education needs of all segments of the adult population in the State. A State educational agency shall specifically describe the needs of those adults who are least educated and most in need of assistance. These special adult populations include, but are not limited to—(1) Adults with limited English language skills;

(2) Adults from urban areas with high rates of unemployment;

(3) Adults from rural areas;

(4) Immigrant adults;

(5) Institutionalized adults;

(6) Elderly persons;

(7) Handicapped adults;

(8) Adults from minority groups; and

(9) Women with special needs.

(e) A State educational agency shall identify the other Federal and non-Federal resources available to meet the needs described in paragraph (d).

(f)(1) A State educational agency shall identify the goals it intends to achieve in meeting the needs described in paragraph (d) for the period covered by the plan.

(2) A State educational agency shall describe proposed activities and expenditures for reaching each goal.

(g)(1) A State educational agency shall describe the outreach activities that the State intends to carry out during the period covered by the plan.

(2) In conjunction with these outreach activities, a State educational agency

shall describe the efforts it will undertake to provide support services during the period covered by the plan. Support services include flexible schedules, transportation, and child care services. A State educational agency shall identify the resources to be used for these support services. A concerted effort shall be undertaken to provide these services through other programs, agencies, and organizations.

(h) A State education agency shall describe its cooperative arrangements with other agencies for delivering adult education and support services.

(i) A State education agency shall describe the criteria for evaluating project applications.

(j)(1) In any plan submitted subsequent to the initial three-year plan under the Act, a State educational agency shall describe its accomplishments in meeting the goals included in the previous three-year plan.

(2) The description shall indicate how the assessment of accomplishments was considered in establishing the State's goals for adult education in the plan being submitted.

(k) A State education agency shall describe its policies, procedures, and activities for carrying out special experimental demonstration projects and teacher training projects that meet the requirements of §§ 166.61 through 166.64 of these regulations.

(l) A State education agency shall provide for an annual evaluation of activities under sections 306 and 310 of the Act. Evaluation procedures and specific criteria to be used in assessing the effectiveness of all activities shall be included in the State plan. A summary of the State's annual evaluation of activities shall be sent to the Commissioner within 90 days of the close of the program year.

(m) A State education agency shall include in the plan a notification of the establishment of and membership of a State advisory council that meets the requirements of section 312 of the Act. Because the Act does not require the State educational agency to establish a State advisory council, only States that fund councils out of the Federal allotment or non-Federal matching funds are subject to the requirements of section 312 of the Act.

(20 U.S.C. 1205)

§ 166.14 How is the State plan developed?

(a) A State education agency shall involve in the development of the plan one or more representatives of each of the following agencies and groups:

(1) The business community.

(2) Industry.

(3) Labor unions.

(4) Public educational agencies and institutions.

(5) Private educational agencies and institutions.

(6) Churches.

(7) Fraternal organizations.

(8) Voluntary organizations.

(9) Community organizations.

(10) State manpower and training agencies.

(11) Local manpower and training agencies.

(12) Adult residents of rural areas.

(13) Adult residents of urban areas with high rates of unemployment.

(14) Adults with limited English language skills.

(15) Institutionalized adults.

(16) Other entities concerned with adult education, such as the Right to Read and Basic Skills programs, volunteer literacy programs, libraries, and organizations offering education programs for older persons.

(b) A State educational agency shall describe in its plan—(1) How the representatives in paragraph (a) were selected; and

(2) The means by which these representatives were involved in the development of the plan.

(c) The Commissioner considers the term "involved in the development of the plan" to mean that the representatives in paragraph (a) are given an opportunity to actively participate in all stages of formulating the plan.

(d) If the participating representatives are not able to agree upon the provisions of the final plan, the State educational agency shall make the final decision. A State educational agency shall include in the plan—(1) Any recommendation which is rejected; and

(2) The reasons for rejecting the recommendation.

(20 U.S.C. 1205)

§ 166.15 What other requirements must a State educational agency meet?

(a) A State educational agency shall use a delivery system in which the adult populations in the State that are least educated and most in need of assistance learn most effectively.

(b) A State educational agency shall design a delivery system to allow adult education services to be provided by those agencies that can reach the adult populations most in need. This expansion of the delivery system may require using agencies (i.e., a private for-profit organization) other than applicants eligible for subgrants under the Act.

(H.R. Rept. No. 95-1137, p. 128; Sen. Rept. No. 95-856, p. 103)

(c) If a private for-profit organization is used, a State educational agency or eligible applicant shall enter into a contractual arrangement for the provision of adult educational services. A contract shall be entered into only upon a determination by a State or eligible applicant that—(1) The contract is in accordance with State and local law and Subpart P, Procurement Standards, 45 CFR Part 74; and

(2) The service to be provided will constitute a reasonable and prudent use of funds available under the State plan.

(d) A State educational agency or eligible applicant may enter into a voluntary arrangement with a private for-profit organization for the provision of adult education services. For example, an eligible applicant may enter into a voluntary arrangement with a business organization for the use of facilities, personnel, or other services.

(e) At least annually a State educational agency shall give the representatives listed in § 166.14(a) of these regulations the opportunity to comment on—(1) How the State educational agency is carrying out the plan; and

(2) The expansion of the delivery system for providing adult educational services.

(f) A State educational agency shall consider the comments submitted under paragraph (e) in carrying out its State plan. A State educational agency shall include these comments in its subsequent three-year plan.

(20 U.S.C. 1205)

§ 166.16–166.20 [Reserved]

Subpart C—How a Grant Is Made to a State

§ 166.21 How is the amount of each State's grant determined?

(a) The Commissioner determines the amount of each State's grant according to the formula in section 305(a) of the Act.

(b) The Commissioner, from a one percent reserve, determines the amount of the grants to Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands.

(20 U.S.C. 1206)

§ 166.22 What is each State's limitation on administrative costs?

The Commissioner notifies each State annually of the maximum amount allowable for administrative activities under section 315(b) of the Act. The non-

Federal share of funds available under the State plan may also be used to pay administrative costs.

(20 U.S.C. 1211)

§§ 166.23–166.30 [Reserved]

Subpart D—How To Apply to the State for a Subgrant

§ 166.31 Who is eligible for a subgrant?

(a) A State educational agency shall distribute grants on the basis of annual applications submitted by eligible applicants. Eligible applicants are local educational agencies and public or private nonprofit agencies, organizations, and institutions.

(b) A State educational agency may not review an annual application from a public or private nonprofit agency, organization, or institution other than a local educational agency unless this applicant—(1) Provides documentation to the State that advice and guidance on the development of its annual application have been sought from the applicable local educational agency. For the purpose of this section, "applicable local educational agency" refers to the legally constituted public board of education or administrative agency located in the same city, county, township, school district, or other political subdivision of the State to be served by the application; and

(2) Provides the local educational agency the opportunity to comment on the application prior to submitting it to the State.

(c) A State that is prohibited by State law from awarding Federal funds by grant or contract to public or private nonprofit agencies, other than local educational agencies shall—(1) Include in its State plan the legal basis of this prohibition; and

(2) Give priority to local educational agencies that propose to enter into cooperative arrangements with public or private nonprofit agencies for the delivery of services.

(d) A State educational agency shall give public notification of the availability of Federal and State funds to eligible applicants.

(1) For the purpose of notifying local educational agencies, a State educational agency shall provide the notice directly.

(2) For the purpose of notifying public or private nonprofit agencies, organizations, and institutions, a State educational agency shall give sufficient public notice throughout all regions of the State.

(20 U.S.C. 1203)

§ 166.32—166.40 [Reserved]

Subpart E—How a Subgrant Is Made to an Applicant

§ 166.41 How will a State review annual applications?

(a) A State educational agency shall review annually all applications submitted by eligible applicants to determine if the requirements of § 166.31 are satisfied. A State educational agency shall disapprove applications that fail to meet the requirements of § 166.31

(b) In evaluating the quality of applications, a State educational agency shall employ a competitive process which considers the best possible combination of agencies, organizations, and institutions. In developing objective criteria for review of applications, a State educational agency shall take into account the following factors:

(1) The needs of the population to be served by the applicant.

(2) The extent to which the applicant proposes projects to reach adult populations least educated and most in need of assistance.

(3) The extent to which the applicant gives special emphasis to adult basic education projects.

(4) The adequacy of outreach activities, including—(i) Flexible schedules to accommodate the greatest number of adults who are least educated and most in need of assistance;

(ii) Locations of facilities offering programs that are convenient to large concentrations of the adult populations identified in § 166.13(e) of these regulations or how the locations of facilities will be convenient to public transportation; and

(iii) The availability of child care services to participants in the project.

(5) The extent to which cooperative arrangements with other agencies will be used for delivering adult education and support services.

(6) The resources available to the applicant—other than Federal and State adult education funds—to meet those needs (e.g., the Comprehensive Employment and Training Act (CETA), Title XX of the Social Security Act, local cash or in-kind contributions).

(7) The extent to which the proposed activity addresses the identified needs.

(8) The extent to which the project objectives can be accomplished within the amount of the budget request.

(c) A State educational agency shall describe in its State plan the method of determining the amount of funds to be distributed to applicants approved for funding.

(d) A State that is prohibited by State law from awarding Federal funds by grant or contract to public or private nonprofit agencies, other than local educational agencies, shall describe in its State plan how priority will be given to local educational agencies that propose to enter into cooperative arrangements with public or private nonprofit agencies for the delivery of services.

(20 U.S.C. 1205)

§§ 166.42–166.50 [Reserved]

Subpart F—Conditions That Must Be Met by the State

§ 166.51 What are the matching requirements of the program?

The Federal share of expenditures made under the State plan shall not exceed 90 percent.

(b) No matching is required for Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(c)(1) The non-Federal share of expenditures under the State plan shall be the difference between the Federal share and the total expenditures for the purposes for which the Federal share is paid.

(2) The non-Federal share of expenditures under the State plan may be computed on a statewide basis and may come from any source other than Federal assistance so long as these expenditures are made to further the purposes of the State plan approved under this part.

(20 U.S.C. 1206)

§ 166.52 What are the maintenance of effort requirements of the program?

(a)(1) To be eligible for Federal funds a State shall maintain its fiscal effort.

(2) A State shall expend for adult education from non-Federal sources an amount equal to the fiscal effort of the State in the previous fiscal year.

(3) A State may determine its fiscal effort on a per student basis or on a total expenditure basis.

(b) The Commissioner does not make any payment to a State in any fiscal year unless the Commissioner finds that the fiscal effort of a State for adult education for the preceding fiscal year was not less than the fiscal effort expended for adult education purposes during the second preceding fiscal year.

(20 U.S.C. 1206)

§ 166.53 How is a waiver granted?

(a) During the life of the Act, the Commissioner may waive for *one* fiscal year only the maintenance of effort

requirement in section 307(b) of the Act if the Commissioner determines it would be equitable to do so in view of exceptional and unforeseen circumstances affecting the State.

(b)(1) If a State educational agency wishes to receive a waiver from the maintenance of effort requirement under § 166.52(a) of these regulations, the State educational agency shall submit a request for a waiver with its three-year State plan or as an amendment to the plan.

(2) A State educational agency shall include in the request for a waiver the reason for the request and any additional information the Commissioner may require.

(20 U.S.C. 1232–1)

§ 166.54 What are exceptional and unforeseen circumstances?

(a) The Commissioner considers exceptional and unforeseen circumstances to include situations in which the State educational agency or local educational agency had no control of the events resulting in decreased expenditures but made a reasonable effort in a timely fashion to comply with the maintenance of effort requirement of the Act.

(b) Exceptional and unforseen circumstances include, but are not limited to, the following situations:

(1) A sudden, substantial reduction in available revenue due to—(i) A natural or man-made disaster;

(ii) The unforeseen removal of property from the tax roll by government action; or

(iii) The unforeseen departure of an industrial or commercial facility.

(2) A sudden and substantial diversion of available revenue to other purposes outside the control of the State or local educational agency.

(3) Decreased expenditures by the State that are directly attributable to strikes involving educational or service personnel or both.

(4) Reductions of services to adults that are directly attributable to energy shortages or conservation measures resulting in a general reduction of educational services throughout the State or any of its local educational agencies.

(20 U.S.C. 1232–1)

§ 166.55 How is maintenance of effort computed in the event of a waiver?

(a) In any case in which the Commissioner grants a waiver to a State under these regulations, the Commissioner reduces the amount of the Federal payment to that State for the current fiscal year in the exact proportion to which the fiscal effort of the State was less than 100 percent of its fiscal effort for the second preceding fiscal year. For example, if a State, having received a waiver under this section, reduced its expenditures in the preceding fiscal year 20 percent below the second preceding fiscal year, the Commissioner reduces the amount of the Federal payment for the current fiscal year by 20 percent.

(b) Fiscal effort for the year following the year for which a waiver is granted shall be based on the level of effort that existed prior to the waiver. For example, if in FY 1981 a State receives a waiver for its failure in FY 1980 to maintain fiscal effort at the level established in FY 1979, the State shall compute its fiscal effort for FY 1981 on the basis of the fiscal effort for FY 1979.

(20 U.S.C. 1232–1)

§ 166.56 What are the percentage requirements with respect to State distribution of Federal funds?

(a) The percentage requirements in this section are applicable to a State's grant under section 305 of the Act.

(b) A State educational agency may expend an amount not to exceed 20 percent of its grant for programs of equivalency for a certificate of graduation from a secondary school.

(c) A State educational agency shall expend an amount not less than 10 percent of its grant for special experimental demonstration projects and teacher training projects described in §§ 16.61 through 16.64.

(d) A State educational agency may expend an amount not more than 20 percent of its grant for the education of institutionalized adults.

(20 U.S.C. 1203; 20 U.S.C. 1205; 20 U.S.C. 1208)

§§ 166.57–166.60 [Reserved]

Subpart G—State-Administered Special Experimental

Demonstration Projects and Teacher Training Projects.

§ 166.61 Who are the eligible applicants for these projects?

(a)(1) Eligible applicants include any State or local educational agency or public or private nonprofit agency, organization, or institution.

(2) Unless precluded by State law, individuals are eligible applicants.

(b) A State may award funds under this subpart to eligible applicants outside the boundaries of the State if that award is determined to be in the best interest of the State in meeting its priorities and the purposes of the Act.

(20 U.S.C. 1208)

§ 166.62 What are the criteria and priorities in administering these projects?

(a)(1) A State educational agency shall establish its own statewide criteria and priorities for administering special projects and teacher training projects.

(2) A State educational agency shall include the criteria and priorities in the State plan.

(3) In establishing statewide criteria and priorities, a State educational agency shall give consideration to serving adults who are least educated and most in need of assistance.

(b)(1) The Commissioner publishes national priorities in adult education in the Federal Register.

(2) Each State shall indicate in its State plan how the statewide criteria and priorities relate to published national priorities.

(20 U.S.C. 1208)

§ 166.63 How will a State administer these projects?

(a) A State educational agency shall—

(1) Administer these projects consistent with the other regulations listed in § 166.2 of these regulations;

(2) Make a general announcement of the availability of Federal and State funds for special projects and teacher training projects;

(3) Establish procedures for submitting and reviewing applications. These procedures shall be consistent with Subparts D and E of 100b of EDGAR; and

(4) Distribute funds to applicants approved for funding on the basis of the criteria and priorities developed under § 166.62 of these regulations.

(b) A State educational agency may—

(1) Approve projects for a multi-year period; and

(2) In accordance with State law, policies, and procedures, make provisions for stipends and travel allowances for participants in teacher training projects.

(20 U.S.C. 1208)

§ 166.64 How will the results be disseminated?

(a)(1) A State educational agency shall develop and describe in its State plan the procedures for disseminating results of these activities.

(2) A copy of each final report of special projects and teacher training projects supported under this subpart shall be sent to—(i) The Commissioner; and

(ii) The adult education information clearinghouse established under section 309(a)(1)(C) of the Act.

(20 U.S.C. 1208)

§ 166.65—166.100 [Reserved]

III. National Adult Education Development and Dissemination Program and Planning Grants

Subpart A—General

§ 166.101 What are the National Adult Education Development and Dissemination Program and Planning Grants?

This program provides Federal assistance for development, demonstration, and dissemination projects that are of national significance to, or that will improve the adult education program. Planning grants provide Federal assistance to State educational agencies to plan for the expansion of their systems for the delivery of adult education services. This program is authorized under section 309 of the Act.

(20 U.S.C. 1207a)

§ 166.102 Who is eligible to apply for a grant?

(a) For a planning grant, only a State educational agency is eligible to apply.

(b) For all other projects, eligible applicants include public and private nonprofit agencies, institutions, and organizations.

(20 U.S.C. 1207a)

§ 166.103—166.110 [Reserved]

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

§ 166.111 What types of projects may be funded?

(a) The Commissioner may fund projects and activities that improve and promote effective adult education programs and further the purposes of the Act by—(1) Carrying out demonstration activities; and

(2) Developing, evaluating, and disseminating systems, materials, new approaches, and innovative methods.

(b) The Commissioner may award a planning grant to a State educational agency to plan the expansion of its adult education delivery system that—(1) Uses a participatory process for identifying the adult education needs within the State;

(2) Develops a coordinated strategy to meet the adult education needs of the State; and

(3) Involves local educational agencies, business, industries, community organizations, and other institutions.

(c) Projects under paragraph (a) of this section shall address national priorities established and announced in the Federal Register by the Commissioner. The Commissioner will invite public comment on the national priorities.

(d) The Commissioner may fund one or more of the types of projects described in paragraphs (a) and (b) of this section.

(20 U.S.C. 1207a)

§ 166.112—166.120 [Reserved]

Subpart C—How To Apply for a Grant

§ 166.121 What must an application for a grant contain?

An application shall contain—

(a) Information required by the Notice of Closing Date published in the Federal Register;

(b) Information that meets the application content requirements of §§ 100a.108 through 100a.116 of EDGAR;

(c) For a multi-year or for subsequent years of a development or dissemination project, information that meets the requirements of §§ 100a.117, 100a.118, and 100a.250 through 100a.253 of EDGAR; and

(d) Any additional information required by the Commissioner in the application package.

(20 U.S.C. 1207a)

§ 166.122 What is the duration of a project grant?

(a) A grant period is for not more than one year.

(b) Development and dissemination projects may be approved for a multi-year period.

(c) Planning grants may be approved for a period of not more than one year.

(20 U.S.C. 1207a)

§ 166.123-166.130 [Reserved]

Subpart D—How a Grant Is Made

§ 166.131 What are the selection criteria for evaluating applications?

(a) The Commissioner evaluates applications that meet the requirements of these regulations according to the criteria published in §§ 100a.202 through 100a.206 of EDGAR. Each criterion is weighted and includes the maximum score that can be given for that criterion, with the total number of points equaling 100. Applications are judged on the basis of the extent to which each criterion is met.

(b) the maximum number of points assigned to the five selection criteria in EDGAR are as follows:

Plan of operation (40 points).

Quality of key personnel (20 points).

Budget and cost effectiveness (15 points).

Evaluation plan (10 points).

Adequacy of resources (15 points).

(20 U.S.C. 1207a)

§ 166.132-166.140 [Reserved]

Subpart E—Conditions That Must Be Met by a Grantee

§ 166.141 What are the cost requirements under this program?

(a) Allowable costs under grants awarded under section 309 of the Act are determined in accordance with the applicable cost principles of §§ 100a.530 through 100a.534 of EDGAR and Subpart Q of 45 CFR Part 74.

(b) No cost sharing is required.

(c) Neither stipends nor dependency allowances are allowable.

(d) Projects combining funds under section 309 of the Act with other Federal, State, or local funds shall contain provisions for separate accounting.

(20 U.S.C. 1207a)

§ 166.142 What documents must a State educational agency have on file with the Commissioner to be eligible for a planning grant?

A State educational agency must have on file with the Commissioner—

(a) An approved three-year plan. Regulations governing the development, submission, and approval of that plan are in §§ 166.1 through 166.64 of these regulations.

(b) A single State application required by section 435(b) of the General Education Provisions Act.

(20 U.S.C. 1207a)

§ 166.143 What records and reports and required of the grantee?

(a) A grantee shall keep records that meet the requirements in §§ 100a.730 through 100a.734 of EDGAR.

(b) A grantee shall submit reports as part of the financial and performance reporting requirements of § 100a720 of EDGAR and Subparts I and J of 45 CFR Part 74.

(20 U.S.C. 1207a)

§ 166.144-166.200 [Reserved]

IV. Adult Education Programs for Immigrants and Indochina Refugees

Subpart A—General

§ 166.210 What are the adult education programs for immigrants and indochina refugees?

These programs provide Federal assistance to operate special adult education projects for immigrants and for Indochina refugees.

These programs are authorized under sections 318 and 317 of the Act.

(20 U.S.C. 1211c, 1211b)

§ 166.202 Who is eligible to apply for a grant?

(a) Only the following are eligible to apply for a grant to operate an adult education project for immigrants:

(1) State educational agencies.

(2) Local educational agencies.

(3) Public nonprofit agencies, organizations, or institutions.

(4) Private nonprofit agencies, organizations, or institutions.

(b) Only the following are eligible to apply for a grant to operate an adult education project for Indochina refugees:

(1) State educational agencies.

(2) Local educational agencies.

(20 U.S.C. 1211c, 1211b)

§§ 166.203–166.210 [Reserved]

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

§ 166.211 What is a special adult education project for immigrants or Indochina refugees?

(a) The Commissioner funds projects that—

(1) Facilitate the integration of adult immigrants or adult Indochina refugees into American society; and

(2) Contribute to the employability of adult immigrants or adult Indochina refugees through development of basic educational and occupational skills.

(b) The purposes for which funds may be used under these programs are expressly stated in sections 318(a) and 317(a) of the Act.

(20 U.S.C. 1211c, 1211b)

§ 166.212 What is the target population to be served by a project?

(a) Only adult immigrants, as defined in § 166.3(d) of these regulations, are eligible to participate in projects funded under the adult education program for immigrants.

(b)(1) Only an adult Indochina refugee who possesses an INS Form I–94 may participate in a project assisted under the adult education program for Indochina refuges, except as provided in paragraph (b)(2) of this section. Form I–94, issued by the United States Immigration and Naturalization Service, indicates that the refugee has been admitted (paroled) into the United States or has been granted voluntary departure status.

(2) Participation of a very limited number of adults other than Indochina refugees is not precluded where the special needs of the Indochina refugees, as included in the application, are being met. This participation of non-Indochina refugees shall not result in a reduction in the quality or quantity of services to the target population as described in paragraph (b)(1) of this section.

(20 U.S.C. 1211c, 1211b)

§§ 166.213–166.220 Reserved]

Subpart C—How To Apply for a Grant

§ 166.221 What must an application for a grant contain?

An application shall contain—

(a) Information required by the Notice of Closing Date published in the Federal Register;

(b) Information that meets the application content requirements of §§ 100a.108 through 100a.116 of EDGAR; and

(c) Any additional information required by the Commissioner in the application package.

(20 U.S.C. 1211c, 1211b)

§ 166.222 State review of applications.

(a)(1) An applicant for a grant under the adult education program for immigrants shall first submit a copy of its application to the State educational agency (for the State in which that applicant is located). The State educational agency shall expeditiously review the application in accordance with the provisions of §§ 100a.156 through 100a.159 of EDGAR.

(2) The State educational agency shall include in its comments submitted to the Commissioner whether the application is consistent with the State plan's objectives for meeting the adult education needs of adult immigrants.

(3) The State educational agency shall provide a copy of its comments and recommendations to the applicant.

(b)(1) The Commissioner does not approve an application for a grant under the adult education program for Indochina refugees unless the State educational agency (for the State in which that applicant is located) assures the Commissioner that the proposed activity will not duplicate existing and available (Federal and non-Federal) adult education programs that meet the adult Indochina refugees.

(2) An applicant shall submit a copy of its application to its State educational agency in accordance with the provisions of §§ 100a.156 through 100a.159 of EDGAR.

(20 U.S.C. 1211c, 1211b)

§ 166.223 What is the duration of Federal support?

Projects may be approved for a period of not more than one year.

(20 U.S.C. 1211c, 1211b)

§ 166.224–166.230 [Reserved]

Subpart D—How a Grant Is Made

§ 166.231 What are the selection criteria for evaluating applications?

(a) The Commissioner evaluates applications that meet the requirements of these regulations according to the criteria published in §§ 100a.202 through 100a.206 of EDGAR and the program criteria given in paragraph (c) of this section. Each criterion is weighted and includes the maximum score that can be given for that criterion, with the total number of points equaling 100. Applications are judged on the basis of the extent to which each criterion is met.

(b) The maximum number of points assigned to the five selection criteria in EDGAR are as follows:

Plan of operation (30 points).

Quality of key personnel (15 points).

Budget and cost effectiveness (5 points).

Evaluation plan (5 points).

Adequacy of resources (10 points).

(c) Specific program selection criteria and points assigned are as follows:

(1) *Need* (10 points). The application—

(i) Describes the need for the proposed educational activity;

(ii) Provides specific evidence of the need;

(iii) Describes, where appropriate, current and planned activities in the community relative to the need; and

(iv) Provides reasonable assurance that the population group to whom the project is addressed will participate in the project if it is available.

(2) *Reaching the geographically isolated* (5 points). The application provides for meeting the educational needs of previously unserved adult immigrants or adult Indochina refugees living in isolated geographic areas.

(3) *Cooperative arrangements* (20 points). The application clearly describes arrangements and support services to be provided by existing agencies in order to maximize the impact of the proposed project. The types of agencies with which cooperative arrangements are encouraged include, but are not limited to: voluntary agencies; sponsor groups; public assistance agencies; social/vocational rehabilitation services; business and industry; social organizations; health services; legal aid; and other agencies operating State and local educational, employment, and training programs.

(20 U.S.C. 1211c, 1211b)

§§ 166.232–166.240 [Reserved]

Subpart E—Conditions That Must Be Met by a Grantee

§ 166.241 What are the cost requirements under these programs?

(a) Allowable costs under grants awarded under the adult education programs for immigrants and Indochina refugees are determined in accordance with the applicable cost principles of §§ 100a.530 through 100a.534 of EDGAR and Subpart Q of 45 CFR Part 74.

(b) No cost sharing is required.

(c) Neither stipends nor dependency allowances are allowable.

(d) The cost of child care, not to exceed 5 percent of the grant award, may be allowed only if the applicant can demonstrate that—

(1) The absence of this service is a barrier to providing effective educational services; and

(2) The services of volunteers or other community agencies are not available for this purpose.

(e) A grantee may not, under any circumstances, make payments for child care directly to participants.

(f) Transportation costs of participants are allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating exceptional need.

(g) The cost of developing curriculum materials is allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating that appropriate materials do not exist or cannot be obtained from existing sources.

(h) The cost of pre-service or in-service training of personnel is allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating that the required competence is not otherwise available on a cost-effective basis.

(i) Projects combining funds under the adult education programs for immigrants or Indochina refugees with other Federal, State, or local funds shall contain provisions for separate accounting.

(20 U.S.C. 1211c, 1211b)

§ 166.242 What records and reports are required of the grantee?

(a) A grantee shall keep records that meet the requirements in §§ 100a.730 through 100a.734 of EDGAR.

(b) A grantee shall submit reports as part of the financial and performance reporting requirements in § 100a.720 of EDGAR and Subparts I and J of 45 CFR Part 74.

(20 U.S.C. 1211c, 1211b)

§§ 136.243–166.300 [Reserved]

Note.—The following appendices will not appear in the Code of Federal Regulations.

Appendix A—Program Assurances by State Educational Agency

The (Officially designated State educational agency) of the State of _____ assures the U.S. Commissioner of Education that this State plan will be administered in accordance with the following provisions:

(1) The State educational agency, in carrying out the adult education program, will provide for: (a) adequate consultation, cooperation, and coordination among the State educational agency, State manpower service councils, State occupational information systems, and other agencies, organizations, and institutions in the State that operate employment and training programs or other educational or training programs for adults; and (b) coordination of programs carried on under this title with other programs, including reading improvement programs, which are designed to provide reading instruction for adults and are conducted by State and local agencies.

(2) The State educational agency will make available not to exceed 20 percent of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school.

(3) The statement checked below reflects the State's maintenance of effort for the preceding fiscal year:

—·— (a) The State had available for expenditure for adult education from non-Federal sources for the preceding fiscal year an amount that was not less than the fiscal effort per student or the aggregate amount expended for adult education purposes from non-Federal sources during the second preceding fiscal year; or

——— (b) Because of exceptional and unforeseen circumstances, the State is submitting as an attachment to this plan—together with supporting documentation—a request for a waiver from the maintenance of effort requirement.

(4) The State educational agency will monitor and report program performance in accordance with Subpart J of 45 CFR Part 74.

The State plan for the adult education State-administered program is submitted by

_____
(Name of State Agency)

on _____
(Date)

By: _____
(Signature of authorized official)

_____
(Title)

Appendix B—Priorities for Programs of National Significance

For the guidance of State educational agencies the Commissioner suggests that the following national priorities merit special consideration by States in meeting the special project and staff development needs of their adult education programs under §§ 166.61 through 166.64 of these regulations and section 310 of the Act. These priorities are intended to be responsive to the 1978 amendments to the Adult Education Act.

(1) *Expanding outreach to those adults least educated and most in need.*

Evidence indicates that the adult education program is not adequately meeting the needs of significant segments of the adult population that are most in need of and least likely to participate in adult education. New and innovative approaches will be required to expand outreach in order to effectively meet the needs of underserved populations, including adults who are: older persons; rurally isolated; located in urban areas of high unemployment; handicapped; immigrants; refugees; limited in English language proficiency; female offenders; single parent mothers; or displaced homemakers. In considering support for outreach efforts States should insure careful attention to innovative plans for informing underserved populations of the availability and benefits of the adult education program and of plans to provide reasonable and convenient access to the program.

States are encouraged to support projects such as those that—

(a) Develop new and promising approaches to coordination with business and industry, labor unions, community organizations, and other non-governmental agencies;

(b) Prepare adult education personnel to serve those populations indicated above;

(c) Develop barrier-free and appropriate services based on the needs and life experiences of the learners; and

(d) Use mass media and technological innovations to increase outreach.

(2) *Identifying and preparing for new and emerging roles.*

The 1978 amendments to the Adult Education Act emphasize expanded outreach to the least educated adults to enable them to acquire the basic skills necessary to function in society. Adult education personnel will need to perform new or expanded roles to fully implement this objective in the law.

States are encouraged to support projects such as those that—

(a) Involve both adult education personnel and adult learners in educational program planning and implementation;

(b) Assist adult education personnel to identify and use non-traditional learning settings in which adult learners can interact with their peers;

(c) Assist in developing the adult's ability to cope with personal and family changes that occur with increased education, independence, and life options; and

(d) Assist adult education personnel to develop their own understanding of and ability to cope with the cultures, life-styles, and mores of the adults they serve, as well as

the values and value systems in the American culture.

(3) *Mastering basic and life skills necessary to function effectively.*

A mastery of basic and life skills is fundamental to the effective functioning of adults in their own environments and in society at large. Without these skills, certifications are meaningless; and opportunities for employment and a productive life are limited.

As a means of addressing this concern, States are encouraged to support projects such as those that—

(a) Assess the statewide educational needs of adults who are least educated and most in need of assistance;

(b) Assess the skill levels of individual adult learners as a basis for providing meaningful and effective developmental experiences;

(c) Develop competency-based curriculums designed to develop specific skills; and

(d) Produce competency-based adult education materials designed to enable the underserved adult to successfully make the transition from a limited and limiting environmental to functioning and coping in a larger and frequently different society.

(4) *Dissemination in adult education.*

Adult education personnel have only limited means for learning of or assessing the kinds and quality of improved practices and products generated in adult education. Many States do not have a mechanism for systematic retrieval, review, assessment, diffusion, and adoption or adaption of improved practices and products. Without these capabilities, programs duplicate effort, lack planning ability, and continue traditional, non-progressive educational strategies.

States are encouraged to support projects such as those that—

(a) Develop a mechanism to locate improved practices and products and potential users of those practices and products;

(b) Disseminate the practices and products to users; and

(c) Provide training or assistance for adoption or adaption by users.